

## 02-17 PURCHASING PROCEDURES

### (A) Purchasing and Bidding

The Superintendent or designee shall be responsible for all purchases of materials, equipment, and services. The Program Director of Purchasing shall be authorized to sign purchase orders for the Superintendent or designee.

- (1) Each purchase shall be based upon a purchase order originating from the responsible principal, district department head, project director, or other authorized designee. Each purchase order shall be properly budgeted. No purchase or obligation to buy is to be made without first securing such a Purchase Order except in the following instances:
  - (a) Utilities
  - (b) Authorized petty cash purchases
  - (c) Authorized purchasing card purchases
  - (d) Emergency repairs (shall be followed immediately with an emergency requisition)
  - (e) Surplus sales from other governmental agencies
  - (f) Reimbursement of authorized travel expenses
  - (g) Payment of salaries and benefits; including worker's compensation and unemployment benefits
  - (h) Insurance claims or settlements approved by the Risk Management Specialist.
  - (i) Reimbursements when the district is acting as fiscal agent
  - (j) Required legal notices
  - (k) Special circumstances where the District may accrue a financial benefit and if approved by the Superintendent
- (2) All other expenditures shall be approved by the Board. No employee shall obligate the Board without following this policy. Failure to comply may render the purchaser liable for payment.
- (3) All purchases must comply with §112, *Florida Statutes*, regarding conflicts of interest.
- (4) Multi-year purchase agreements- No obligation shall be created by contract, purchase order, maintenance agreement or other instrument which exceeds a period of twelve (12) months unless such agreement contains a statement permitting the School Board to unconditionally terminate the obligation at the end of any fiscal year. All multi-year obligations shall require initial School Board approval.

- (5) The Superintendent shall develop procedures to provide authorization and internal control of all purchases made on purchasing cards or open purchase orders.
- (6) Insurance liability requirements for certain vendors
  - (a) Vendors performing contracted services with regard to facilities shall maintain insurance coverage as established by the Risk Management Office and approved by the Board annually.
  - (b) Contracted services as defined in this section shall include but not be limited to the following: painting, roofing, lawn care, custodial, plumbing, electrical, construction, carpentry, house movers, carpet cleaners, pest control, and insulation.
  - (c) No purchase order requiring insurance will be issued unless the vendor has received an approval from Risk Management.
  - (d) The School Board may define additional insurance requirements for individual contracts or other types of contracted services as deemed necessary.
- (7) The District will comply with Florida State Board of Education Administrative Rule 6A-1.012, Purchasing Policies.
  - (a) Purchases Exceeding \$50,000.00 – Formal Sealed Solicitations  
Formal Invitations to Bid (ITB), Request for Proposals (RFP), or Request for Qualifications (RFQU) shall be requested from three (3) or more sources for any authorized purchase of any item or group of similar items or contract for services exceeding fifty thousand dollars (\$50,000.00) unless otherwise exempted in Rule 6A-1.012. All ITB, RFP, and RFQU awards require School Board approval when the amount exceeds \$50,000.00. All purchases exempt from the bid process by Rule 6A-1.012 require School Board approval when the amount exceeds \$50,000.00. Purchases under the Department of Management Services state term contracts and state and district approved textbooks do not require School Board approval prior to purchase. All formal solicitations must be initiated and released by the Purchasing Department.
  - (b) Purchases \$10,000.00-\$50,000.00 – Request for Quotations  
  
Request for Quotations (RFQ) shall be requested in writing from three (3) or more sources for any authorized purchase of any item or group of similar items or contract for services from \$10,000.00 to \$50,000.00 unless otherwise exempted under Rule 6A-1.012.

- (c) Purchases less than \$10,000.00

All purchases less than \$10,000.00 are subject to the Purchasing Program Director's discretion as to whether additional quotes are needed.

- (d) Professional Services with an Independent Contractor

When contracting for professional services with an Independent Contractor over \$1,000.00, a service agreement contract is required. A professional service as defined in this section shall include but not be limited to the following: staff development, program evaluation services, curriculum development, direct student services, artistic performances and services, educational program services, and related consulting services. All such professional service agreements will be reviewed by the School Board Attorney, CFO, Risk Management and the District Purchasing Department. All professional service agreements exceeding \$10,000.00 require School Board approval. The Superintendent will provide a listing quarterly on a Board agenda of all such professional service agreements so approved under the threshold. Procedures for contracting for legal services are set forth in School Board Policy 01-04.

- (e) Short-Term Facility Use Contracts/Leases

The Superintendent or designee shall be responsible to approve and execute facility use contracts/leases for the use of non-school district property for periods of time less than twelve months with fees exceeding \$10,000.00. All such contracts/leases will be reviewed by the School Board Attorney and the District Purchasing Department. The Superintendent will provide a listing quarterly on a Board agenda of all such Short-Term Facility Use Contracts/Leases so approved under the threshold.

- (f) No purchase orders shall be split in order to avoid compliance with the above policies.

- (8) School Food Service bids will comply with the requirements of State Department of Agriculture and Consumer Services, Division of Food, Nutrition and Wellness Administrative Rule 5P-2.002.
- (9) Procedures for contracting for professional services under §287.055, *Florida Statutes* are further defined in Chapter 11 of School Board Policy.

(10) Bid Lists

- (a) The Purchasing Department shall maintain a master bid list of all potential bidders by category of commodity or service through the Florida Purchasing Group Bid System.
- (b) At the beginning of each fiscal year, the Purchasing Department shall publish notice of an invitation to vendors to be added to the Florida Purchasing Group Bid System bid list.
- (c) The School Board or Superintendent may remove the name of any unqualified or unreliable person or firm from the list. The firm may apply for reinstatement to the list after being removed for one year after provision of evidence satisfactory to the Superintendent or School Board that causes have been remedied.

(11) Bid and Proposal Process

- (a) Solicitation of formal Invitations to Bid (ITB), Request for Proposals (RFP), or Request for Qualifications (RFQU) shall be prepared by the school district and shall be publicly posted. Solicitation shall be issued at least fourteen (14) days prior to the opening date.
- (b) The following notice shall be included in all solicitations for bids, proposals, or qualifications: "Failure to file a protest within the time prescribed in §120.57(3), *Florida Statutes*, shall constitute a waiver of proceedings under Chapter 120, *Florida Statutes*."
- (c) All bids, proposals, or qualifications shall be opened publicly in the presence of at least three (3) School Board employees. The Program Director of Purchasing or designee shall acknowledge receipt of the bids, proposals, or qualifications by reading aloud the names of the bidders, unless the bid is a competitive solicitation for construction or repairs on a building, then the name of each bidder and price submitted shall be read at a public bid opening per §255.0518, *Florida Statutes*. The Program Director of Purchasing shall request further evaluation of the bids, proposals, or qualifications if necessary, and after such evaluation make a recommendation of award to the School Board. Those employees preparing evaluations or tabulations shall sign them for future reference. Bids, proposals, or qualifications received after the designated time shall not be considered.
- (d) In acceptance of responses to invitations to bid (ITB), the Board may award contracts on the basis of the lowest and best bid from a responsive and responsible bidder which meets specifications with

consideration being given to the specific quality of the product, conformity to the specifications, suitability to school needs, delivery terms, and service and past performance of the vendor. For identical, qualified bids, the recommendation shall be made for a local vendor or, if there is none, by casting lots. Samples of products may be requested when practical. The School Board shall reserve the right to reject any or all bids and may waive any minor irregularity or technicality in bids received that in its judgment will be in the best interest of the School Board.

- (e) In acceptance of responses to requests for proposals (RFP), the Board may award contracts to one or more responsive, responsible proposers in accordance with the selection criteria published in the request for proposal and reserves the right to further negotiate contract terms with selected vendor(s). The School Board shall reserve the right to reject any or all proposals and may waive any minor irregularity or technicality in proposals received that in its judgment will be in the best interest of the School Board.
  - (f) In acceptance of responses to request for qualifications (RFQU), the Board may award contracts to one or more responsive, responsible respondents in accordance with the selection criteria published in the request for qualifications and reserves the right to further negotiate contract terms with selected vendors(s). The School Board shall reserve the right to reject any or all responses and may waive any minor irregularity or technicality in responses received that in its judgment will be in the best interest of the School Board.
  - (g) Bid and proposal tabulations with recommendations for awards will be posted for review by interested parties in the Purchasing Department of the school district, indicating the date of posting and will remain posted for a period of three (3) business days. Tabulations and recommendations for awards are also posted to the District's Purchasing website and the Florida Purchasing Group Bid System. This notice will include the language in (11)(b) above.
  - (h) Any ITB recommendation other than the lowest bid shall be accompanied by a written statement signed by the Superintendent or designee giving the reasons and justification for such action as provided in subsection (11)(d) herein.
- (12) Emergency Bid Process- Emergency bids, if approved by the Superintendent, may be requested by telephone or in writing.
- (a) Competitive price quotations shall be sought from three (3) or more potential sources. Telephone quotations shall be filed in the

purchasing office in writing no later than five (5) working days after receipt of verbal quotations.

- (b) All emergency bids shall be tabulated and presented to the Superintendent who may approve the award of the bid to the lowest and best bidder.
- (c) The Superintendent shall submit the bid tabulation and bid award to the School Board at its next regularly scheduled meeting for action. The official minutes of the Board shall show the nature of the emergency and why the regular bid procedure, as prescribed, would have caused a delay which could have been contrary to the public interest.
- (d) If the Superintendent determines in writing that the time required to obtain pricing information will increase the immediate danger to the public health, safety, or welfare or other substantial loss to the school district, the emergency purchase may be made without competitive price quotations.

(13) Resolution of Bid Protests

These policies shall govern the resolution of protests on invitation to bid (ITB), request for proposal (RFP), or request for qualifications (RFQU). Protests shall be filed in accordance with §120.57(3), *Florida Statutes*.

- (a) A person or entity shall have submitted a bid in order to be qualified as “adversely affected” in the bid process. Any person or entity affected adversely by the School District’s decision or recommendations for the awarding of a bid by an evaluation committee shall file with the School District a notice of protest in writing within seventy-two (72) hours after the posting of the notice of the school district’s decision or intended decision. A formal written protest must be filed within ten (10) days after the date the notice of protest is filed. The formal written protest shall state the facts and law upon which the protest is based. Saturdays, Sundays, and state holidays shall be excluded in the computation of the seventy-two (72)-hour time period provided by this paragraph. Failure to file within these timelines shall constitute a waiver of the proceedings under Chapter 120, *Florida Statutes*.
- (b) Upon receipt of the formal written protest which has been timely filed, the Superintendent shall stop the bid solicitation process or bid award process until the subject protest is resolved unless the Superintendent sets forth, in writing, particular facts and circumstances which require the continuation of the bid solicitation or the bid award process without

delay in order to void an immediate and serious danger to the public health, safety or welfare.

- (c) The Superintendent shall provide an opportunity to resolve the protest by mutual agreement between the parties within seven (7) days, excluding Saturdays, Sundays, and state holidays after receipt of a formal written protest.
- (d) If the protest is not resolved by mutual agreement and there is no disputed issue of material fact, the Superintendent will present the matter to the School Board for referral to a qualified hearing officer for settling through informal proceedings as prescribed in §120.57(2), *Florida Statutes*. If there is a disputed issue of material fact, the Superintendent will present the matter to the School Board for referral to a qualified hearing officer for settling through formal proceedings as set forth in §120.57(1), *Florida Statutes*.

(14) On-line Procurement

The district shall receive and give consideration to the prices available to it through the on-line procurement system as referenced in §287.057(23), *Florida Statutes*, for the purchase of commodities and contractual services provided that a determination is made by the district's purchasing department that the school district will receive potential benefits, including but not limited to savings from strategic sourcing and process efficiencies, as a result of using the on-line procurement system.

(15) Food Purchases from Federal Funds

When federal guidelines permit such, federal funds may be used to purchase food items when used to support parent training and meetings.

(16) Procurement Involving Federal Funds – General Procurement Standards

When procuring property or services under a federal award, the District will use its own documented procurement procedures which reflect applicable state and local laws and regulations, provided that the procurements conform to applicable Federal law and standards found in C.F.R. 200.318 general procurement standards through C.F.R. 200.326 contract provisions (effective July 1, 2018).

(17) Procurement Involving Federal Funds – CFR 200.318(d)

When procuring property or services under a federal award, the District will avoid acquisition of unnecessary or duplicative items. Consideration will be given to consolidating or breaking out procurements to obtain a more

economical purchase. Where appropriate, an analysis will be made of lease versus purchase alternatives, and any other appropriate analysis to determine the most economical approach.

Statutory Authority: §1001.41(2), *Florida Statutes*

Laws Implemented: §§112.312, 119.071(1)(b), 120.57, 255.0518, 286.0113, 287.055, 287.057(22), 1001.43(2)(g), and 1010.04, *Florida Statutes*

State Board of Education Rules: 6A-1.012

State Department of Agriculture and Consumer Services Rule: 5P2.002

Code of Federal Regulations (CFR) 200.318 – 200.326

Adopted: September 27, 1999

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