

CHAPTER 7.00 - BUSINESS SERVICES

PURCHASING AND BIDDING

7.70*

The Superintendent or designee shall be responsible for all purchases of materials, equipment, and services from District school funds. Only persons authorized by the Superintendent or School Board rules may make any purchase involving the use of school funds. Unauthorized expenditures shall not be approved by the School Board. The following provisions shall govern purchasing and bidding procedures other than for capital projects that are covered by separate Board rules.

- I. Authorization to Execute Purchase Orders - The Director of Materials Management or other designees of the Superintendent shall be authorized to sign purchase orders.
- II. Requirements for Competitive Bids - Sealed bids shall be requested for any purchase of materials, equipment, or service which exceeds provisions of Florida Statutes and State Board of Education rules unless the item is purchased on the basis of an established state contract, under the provisions of section VII. herein, or is otherwise exempted from bidding by Florida Statutes or State Board of Education rules. A particular item or group of similar items which is anticipated to exceed the provisions of Florida Statutes and State Board of Education rules during the fiscal year shall be subject to the bid requirements as described herein.
- III. Bid Receipt, Opening, and Tabulation - Sealed bids shall be received in the purchasing office at the time and date designated in the request for bids. All bids shall be opened publicly in the presence of at least two (2) School Board employees.

The bid tabulation shall be signed by the Director of Materials Management or other designated person and the other School Board employee in attendance. Bids received after the designated time shall not be accepted or considered.

- IV. Award of Bids - Each bid shall be awarded on the basis of the lowest and best bid 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. Samples of products may be requested when practical. The School Board shall reserve the right to reject any and all bids.
- V. Public Inspection of Bids - ~~Bids and quotations shall be made available for public inspection and copies may be obtained subsequent to the posting date.~~ Sealed bids, proposals or replies in response to a competitive solicitation shall be exempt from public inspection or copying as provided in §119.071, F.S. When documents are no longer exempt, they may be inspected and copied. The fee

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for photocopying shall be in accordance with the School Board rule 3.51, Copying of Public Records. Original bids and quotations and the transmittal envelopes shall not be removed from the Purchasing Office.

- VI. Award to Other Than The Low Bidder - Any bid recommendation other than the low bid shall be accompanied by a written statement signed by the Director of Materials Management or other designated agent giving the reasons and justification for such action as provided herein. Single or combination items may be considered in determining the recommendation. The School Board may remove the name of any firm which has proven to be unreliable or unqualified from the bid list.
- VII. Bid Withdrawal - A bidder may withdraw a bid before the designated time for opening bids by submitting a written request to the Director of Material Management and identifying the reason(s) for the desired bid withdrawal. A bidder shall not be permitted to withdraw a bid for any reason after the designated time for opening bids unless mutually agreed upon by both parties.
- VIII. Emergency Situations - Occasionally, situations arise which necessitate immediate action in order to ensure the health and safety of students and staff, or to keep a facility in operation. In such cases, at the determination of the Superintendent, the normal procedures may be waived and all Board members will be notified of such action as soon as practicable. The purchasing department shall be required to make contacts to request quotations, determine availability and ability to deliver services or products in a timely manner. All such contacts must be documented. The Superintendent shall be given all facts relating to the problem and a recommendation for the purchases necessary to resolve the problem. Upon the Superintendent's or Designee's approval, the lowest and best bidder will be given authorization to proceed. A formal tabulation, giving complete details and justification, shall be submitted in a timely manner to the School Board for ratification.
- IX. Requisitions - Each purchase utilizing a purchase order shall be based upon a requisition originating from the principal or District department head. Each requisition or contract shall be properly financed, budgeted, and encumbered prior to issuing a purchase order. Under extreme emergencies, the Director of Materials Management or designee may grant permission for a purchase without a requisition; provided, however, any emergency purchase shall be followed immediately with an emergency requisition. A purchase shall not precede a requisition except under emergency conditions.
- X. Quotations for Purchases Below the Formal Bid Threshold - Telephone quotations for purchases of at least ten percent (10%) to less than thirty percent (30%) of the limits established by Florida Statutes and State Board of Education

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rules shall be solicited from at least three (3) sources. Written quotations shall be obtained for purchases of thirty percent (30%) to one hundred percent (100%) of the bid threshold.

- XI. Subject to provisions of law, the Superintendent may authorize purchase based upon bids approved by the state of Florida, other government agencies, or educational consortia.
- XII. Acquisition of Professional or Educational Services - The Superintendent is authorized to contract for professional or educational services to complete projects or activities authorized or approved by the School Board.
 - A. Selection of an architect, professional engineer, landscape architect, or land surveyor to perform professional services for a School Board project shall be in accordance with the School Board rule entitled, "Selecting Professional Services."
 - B. Contracts or commitments exceeding limits established by Florida Statutes or State Board of Education rule for educational services or professional services shall be approved by legal counsel and the School Board prior to execution.
- XIII. Conflict of Interest - The following provisions shall apply for conflict of interest. Any violation of these provisions by a School Board employee may be grounds for dismissal.
 - A. No contract for goods or services may be made with any business organization in which:
 - 1. The Superintendent or School Board member has any financial interest of five percent (5%) or more;
 - 2. A spouse or child of the Superintendent or School Board member has an employment relationship or material interest as defined by Florida Statutes; or,
 - 3. A School Board employee has an employment relationship or material interest as defined by Florida Statutes.
 - B. No School Board employee may directly or indirectly purchase or recommend the purchase of goods or services from any business organization in which his/her spouse or child has a material interest as defined by Florida Statutes.

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- C. School Board employees or officials may not use bid prices or school prices or receive gifts or any preferential treatment in making personal purchases. A School Board employee shall not be prohibited from participating in any activity or purchasing program that is publicly offered to all School Board employees or in District surplus sales provided there is no preferential treatment.

- XIV. The School Board of Sarasota County, Florida, will receive and give consideration to the prices available to it through the use of the program for on-line procurement of commodities and contractual services as referenced in section 287.057(23)(a), under the rules of the department of management services, division of purchasing.

- XV. Purchasing Cards – The Superintendent or designee is authorized to issue procedures governing the use of purchasing cards and to delegate authority to individuals to make purchases using the cards.

STATUTORY AUTHORITY: **1001.41, 1001.42, F.S.**

LAW(S) IMPLEMENTED: **112.312, 119.071, 120.57, 212.0821, 255.04, 274.02, 287.017, 287.057, 1001.421, 1001.43, 1010.01, 1010.04, 1013.47, F.S.**

STATE BOARD OF EDUCATION RULE(S): **6A-1.012, 6A-1.0852, 6A-1.087, 6A-7. 0411**

HISTORY: **ADOPTED: 08/01/03**
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FORMERLY: 6.101, 6.205

NOTES: **No Procedure Necessary**