

CHAPTER 7.00 - BUSINESS SERVICES

PURCHASING AND BIDDING

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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. "Bids" shall refer to Invitations to Bid, Requests for Proposal or Invitations to Negotiate. "Bidder" shall refer to bidder, proposer or negotiator.

The District will avoid acquisition of unnecessary or duplicative items. Consideration shall 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.

- 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 - Except as authorized by law or rule, competitive solicitations shall be requested from three (3) or more sources for any authorized commodities or contractual services exceeding \$50,000. A particular item or group of similar items which is anticipated to exceed the provisions of State Board of Education rules during the fiscal year shall be subject to the bid requirements as described herein.
 - A. Contractors that participate in the development or drafting of specifications, requirements, statements of work, or invitations for bids or requests for proposals shall be excluded from competing for such procurements.
 - B. The non-Federal entity must conduct procurements, when paid for from Federal funds, in a manner that prohibits the use of the statutorily or administratively imposed state, local, or tribal geographical preferences in the evaluation of bids or proposals, except in those cases where applicable Federal statutes expressly mandate or encourage geographic preference. Nothing in this section preempts state licensing laws.
 - C. Authorization for the Use of Procurement by Noncompetitive Solicitation in addition to State Rules, when paid for from Federal funds
 1. A contract for commodities or contractual services may be awarded without competitive solicitations if the Federal awarding agency or pass-through entity expressly authorizes noncompetitive solicitations in response to a written request from the non-Federal entity.
- 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

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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 - 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 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. This award criteria does not apply to Requests for Proposal or Invitations to Negotiate. 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 Office 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

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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 – Written quotations for purchases of at least ten percent (10%) to one hundred percent (100%) of the bid threshold established by State Board of Education rules shall be solicited from at least three (3) sources.
 - A. Additional Requirements for Quotations for Purchases Below the Formal Bid Threshold Paid for From Federal Funds
 - 1. Procurement by micro-purchases. Procurement by micro-purchase is the acquisition of supplies or services, the aggregate dollar amount of which does not exceed the micro-purchase threshold (2 CFR 200.67). Micro-purchases for commodities and services under this threshold, shall be distributed equitably, (when practical), among qualified suppliers without soliciting competitive quotes if the Superintendent considers that the price is reasonable.
 - 2. Procurement by small purchase procedures. Small purchase procedures are those relatively simple and informal procurement methods for securing services, supplies, and other property that exceed the micro-purchase threshold (2 CFR 200.67), but do not exceed ten percent (10%) of the bid threshold established by State Board of Education rules. Small purchase procedures require that price or rate quotations be obtained from an adequate number of qualified suppliers).
- XI. Subject to provisions of law, the Superintendent may authorize purchases based upon bids approved by the state of Florida, other government agencies.
- 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.”

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- B. Contracts or commitments exceeding limits established by 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;
 - a. The five percent (5%) rule does not apply when paid for from Federal Funds: No employee, officer, or agent may participate in the selection, award, or administration of a contract supported by a Federal award if he or she has a real or apparent conflict of interest. Such a conflict of interest would arise when the employee, officer, or agent, any member of his or her immediate family, his or her partner, or an organization which employs or is about to employ any of the parties indicated herein, has a financial or other interest in or a tangible personal benefit from a firm considered for a contract.
 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.
- 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.
- D. Nothing in this section prevents any individual from participating in and being awarded a purchase or competitive solicitation as permitted by Florida Statute.

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- 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.
- XVI. Contract Cost and Price – The following provisions apply for procurement actions that exceed the Simplified Acquisition Threshold paid for from Federal funds.
 - A. The District will perform a cost or price analysis in connection with every procurement action in excess of the Simplified Acquisition Threshold including contract modifications. The method and degree of analysis is dependent on the facts surrounding the particular procurement situation, however, independent estimates will be made prior to receiving bids or proposals.
 - B. For procurement actions where there is no price competition or when a cost analysis is performed, the District will negotiate profit as a separate element of the price. To establish a fair and reasonable profit, consideration will be given to the complexity of the work to be performed, the risk borne by the contractor, the contractor's investment, the amount of subcontracting, the quality of its record of past performance, and industry profit rates in the surrounding geographical area for similar work.

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STATE BOARD OF EDUCATION RULE(S): 6A-1.012, 6A-1.0852,
6A-1.087, 6A-10.081

**STATE DEPARTMENT OF AGRICULTURE
AND CONSUMER SERVICES RULE(S):** 5P-1.003

CODE OF FEDERAL REGULATIONS: 2 CFR 200.67,
2 CFR 200.317-321,
2 CFR 200.323, 2 CFR 200.326
2 CFR 200.88, 48 CFR 2.101

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