

PURCHASING AND ACQUISITION

CH
(LOCAL)

PURCHASING AUTHORITY	The Board delegates to the Superintendent or designee the authority to determine the method of purchasing, in accordance with CH (LEGAL), and to make budgeted purchases.
PROCUREMENT RESTRICTION	No District employee with purchasing authority may authorize the purchase of anything from any person or from any firm that is controlled, owned, or operated by that employee or from a relative within the second degree by blood or marriage of the employee. [See BBFB(LEGAL) for Board members] District employees shall not be permitted to use District resources to purchase supplies or equipment for personal use. [See CMB]
PROCUREMENT FUNCTION	The procurement function is assigned to the chief financial officer. The purchasing department shall supervise the purchase of all materials, supplies, equipment, and services for the District.
PURCHASE COMMITMENTS	All purchase commitments shall be made by the Superintendent or designee on a properly drawn and issued purchase order or such other purchase mechanism as approved by the Board, in accordance with District administrative regulations.
GENERAL PROCUREMENT REQUIREMENTS	District procurements shall be made according to: <ol style="list-style-type: none">1. Applicable law, and2. District administrative regulations and grant requirements when more restrictive than law.
BOARD APPROVAL	Any purchase order or contract not supported by a purchase order that exceeds \$50,000 shall require Board approval before a transaction may take place.
AUTHORITY TO SIGN CONTRACTS	No employee other than the Superintendent, the chief financial officer, or designee, as appointed in writing, shall be authorized to sign contracts greater than \$10,000.
ENCOURAGEMENT OF SMALL AND LOCAL FIRMS	The District seeks to increase the pool of qualified firms competing for contracts by providing small and local firms, and historically underutilized businesses (HUB) owned or operated by minorities or women with information and access to compete for construction, architecture, engineering and professional services contracts; and referral services to technical assistance, financial, bonding and insurance, and certification services that promote the long-term competitive capacity of such firms. The District will develop and maintain procedures to ensure that small and local firms, and firms owned or operated by minorities or women are afforded an equitable opportunity to compete on all District contracts. Such procedures may include, but not be limited to,

PURCHASING AND ACQUISITION

CH
(LOCAL)

attending pre-bid and pre-proposal conferences and conducting seminars and training workshops to assist HUB-designated vendors become an active participant in District contracting opportunities.

IMPLEMENTATION

Nothing herein shall be construed to authorize nor require expenditure of funds for goods and services apart from normal statutory purchasing processes.

HISTORICALLY
UNDERUTILIZED
BUSINESS
ENTERPRISES

The District requires all departments to make a good faith effort to ensure that HUBs receive a portion of its contract dollars. A HUB is defined as a business formed for the purpose of making a profit in which at least 51 percent of the business is owned, operated, and controlled by one or more of the following:

1. "Minority-Owned Business Enterprise (MBE)" is defined for the purposes of this policy to mean a business enterprise that is at least 51 percent owned by a minority individual or group; or in the case of any publicly owned business, at least 51 percent of the stock of which is owned by one or more minority groups and whose management and daily operations are controlled and operated by one or more of these individuals.
2. "Minority individual" is defined for purposes of this policy to include Black Americans, Hispanic Americans, Asian Americans, Asian-Pacific Americans, Native Americans or persons with a disability.
3. "Woman-Owned Business Enterprise (WBE)" is defined for purposes of this policy as a business enterprise that is at least 51 percent owned by a woman or women; or in the case of any publicly owned business, at least 51 percent of the stock of which is owned by one or more women and whose management and daily business operations are controlled and operated by one or more women.
4. "Small Business Enterprise" is defined for purposes of this policy as one that, at the time of contract award meets the following requirements:
 - Is independently owned and operated, is not dominant in the field of operation in which it is proposing, has its principal place of business located in the United States and is organized for profit;
 - Is at least 51 percent owned, or in the case of a publicly owned business, at least 51 percent of its voting stock is owned by United States citizens or lawfully fully admitted permanent resident aliens;

PURCHASING AND ACQUISITION

CH
(LOCAL)

- Has, including its affiliates, a number of employees or annual receipts not exceeding the regulatory requirements found in 13 CFR Part 121. Size standards have been established for types of economic activity, or industry, generally under the North American Industrial Classification System (NAICS).

The Board's expectation is that a minimum of 25 percent of all District work advertised for competitive bid or competitive sealed proposals will be performed by historically underutilized business enterprises as prime contractors or as subcontractors. However, nothing in this policy shall operate in violation of law, including the provisions of the revised civil statutes of Texas, Texas Education Code Section 44.031, or any other provision of state or federal law.

CERTIFICATION AS
MINORITY/ WOMEN
BUSINESS
ENTERPRISES

Any business wishing to be identified by the District as a small, women-owned, or minority business shall be certified as such by the City of Fort Worth, Tarrant County, the state of Texas, the North Central Texas Regional Certification Agency, the U.S. Small Business Administration (SBA) or any other recognized certification agency.

PROFESSIONAL AND
CONSULTING
SERVICES

When a purchase order for professional and consulting services exceeds \$25,000, these services shall be formally, competitively acquired using the Professional Services Procurement Act, Texas Government Code Chapter 2254, except for those sole source items as described in Texas Education Code 44.031.

EMERGENCY
PURCHASES

The Board delegates the authority to make emergency purchases where school equipment or facilities are destroyed, severely damaged, or experience a major unforeseen operational or structural failure, to the Superintendent, deputy superintendent, or division chief; any such emergency purchase shall be subsequently reported to the Board.

SMALL PURCHASES

In the event that a small, infrequent purchase in an amount of \$150 or less is required on short notice in order to conduct a group meeting or similar District-related activity, such a purchase may be made by a District employee using his or her personal funds. Such a purchase, properly receipted and authorized, shall be reimbursed by the accounting department. Under no circumstances may these exceptional procedures be used to circumvent normal purchasing procedures and practice.

RESERVATION OF
RIGHTS

Notwithstanding anything in this policy to the contrary, the Board reserves the right to reject any and all bids and proposals, to award contracts that appear to be advantageous to the District, and to waive all formalities in bidding.

PURCHASING AND ACQUISITION

CH
(LOCAL)

RESPONSIBILITY FOR DEBTS	The Board shall assume responsibility for debts incurred in the name of the District so long as those debts are for purchases made in accordance with adopted Board policy and current administrative procedures. The Board shall not be responsible for debts incurred by persons or organizations not directly under Board control; persons making unauthorized purchases shall assume full responsibility for all such debts.
RIGHT TO PROTEST	Any party who believes they are aggrieved in connection with a procurement action may protest to the chief financial officer or designee. The protest shall be submitted in writing within five business days after the facts or occurrence giving rise to the complaint.
PROCUREMENTS AFTER PROTEST	In the event of a timely protest, the responsible office shall not proceed further with the procurement unless the chief financial officer or designee makes a determination that the award of the contract is necessary to protect substantial interests of the District.
AUTHORITY TO RESOLVE PROTESTS	The chief financial officer or designee shall convene a hearing committee of at least three administrators to review the protest.
PROTEST DETERMINATION	The chief financial officer or designee shall promptly issue a determination relating to the protest. The determination shall: <ol style="list-style-type: none">1. State the reasons for the action taken, if any; and2. Inform the protesting party of the right to appeal the determination to the Board in accordance with Board policy GF(LOCAL).
REJECTED BIDS	The purchasing department shall maintain an administrative process for complaints regarding rejected bids.