

PURCHASING AND ACQUISITION

CH
(LOCAL)

PURCHASING
AUTHORITY

The Board delegates to the Superintendent or designee the authority to make budgeted purchases for goods or services. However, any single, budgeted purchase of goods or services that costs \$50,000 or more, regardless of whether the goods or services are competitively purchased, shall require Board approval before a transaction may take place.

Authorized District employees in charge of a department or school budget may purchase items included in their approved budget, in accordance with administrative procedures.

PURCHASING
METHOD

The Board delegates to the Superintendent or designee the authority to determine the method of purchasing in accordance with CH(LEGAL).

COMPETITIVE
BIDDING

If competitive bidding is chosen as the purchasing method, the Superintendent or designee shall prepare bid specifications. All bids shall be submitted in sealed envelopes, plainly marked with the name of the bidder and the time of opening, or shall be submitted electronically using a system that ensures the identification, security, and confidentiality of such bids and ensures that such bids remain effectively unopened until the proper time. The Superintendent or designee shall ensure that any electronic system used for the submission of bids meets the security requirements. All bidders shall be invited to attend the bid opening. Any bid may be withdrawn prior to the scheduled time for opening. Bids received after the specified time shall not be considered. Where competitive bids are not required by law, the Board shall accept the bid(s) it deems to be the best value for the District.

The District may reject any and all bids.

PURCHASING
CONTRACTS

Each District contract shall be procured by an appropriate competitive process when the contract is valued at \$50,000 or more in the aggregate for each 12-month period, except when prohibited by law, when the purchase is for a sole-source item(s) and/or service(s), or when the District is procuring the following professional services:

1. Special education or Section 504 services to be provided directly to students; and
2. Staff professional development or student training.

The Board may, if not prohibited by law, amend the list of professional services herein listed or may grant the Superintendent the authority to acquire professional services without the use of an otherwise appropriate procurement process on a one-time basis when it deems such manner of purchase is in the best interest of the District.

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DELEGATION	The Board may delegate to the Superintendent or other staff the authority to accept or reject bids on purchases of goods or services not required by law to be bid. For bids required by law, the Superintendent or designee shall evaluate the bids and make a recommendation to the Board.
PERMISSIVE BIDS	Purchases of goods and services for which bidding is neither required nor prohibited by law may be based on competitive bidding or requests for proposals.
REQUEST FOR PROPOSALS	If request for proposals is chosen as the purchasing method, the Superintendent or designee shall prepare the request for proposals and/or specifications for items to be purchased. All proposals shall be submitted in sealed envelopes, plainly marked with the name of the proposer and the time of opening. Proposals received after the specified time shall not be considered. Proposals shall be opened at the time specified, and all proposers shall be invited to attend the proposal opening. Proposals may be withdrawn prior to the scheduled time for opening. Changes in the content of a proposal, and in prices, may be negotiated after proposals are opened. Where request for proposals is not required by law, the Board shall accept the proposal(s) it deems to be the best value for the District. The District may reject any and all proposals.
SOLE SOURCE	For purposes of this policy, a “sole-source purchase” is a purchase available from only one source. [See CH(LEGAL)]
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.
AGENTS FOR THE DISTRICT	The District shall not be responsible nor liable for the payment of any commission, fee, or compensation to any broker, agent, or representative who undertakes to perform services for the District, in the absence of a written agreement to do so.
INDEMNIFICATION — CONTRACTS / PROFESSIONAL SERVICES	No District employee, except as set forth herein, shall be authorized to bind the District or any department or campus of the District to indemnification and/or hold harmless agreements for the benefit of any outside party in any contract signed on behalf of the District, department, and/or campus, unless otherwise specifically approved by the Board; however, the Superintendent is authorized to bind the District to indemnification and/or hold harmless agreements if

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	<p>necessary to secure the use of facilities during athletic playoff seasons.</p>
<p>PURCHASE COMMITMENTS</p>	<p>All purchase commitments shall be made by the Superintendent or designee on a properly drawn and issued purchase order, in accordance with administrative procedures.</p>
<p>PERSONAL PURCHASES</p>	<p>District employees shall not be permitted to purchase supplies or equipment for personal use through the District's business office.</p>
<p>SMALL, WOMEN, AND MINORITY BUSINESS ENTERPRISES PROGRAM</p>	<p>In an effort to remedy past disparities in contracting, the District shall provide a reasonable opportunity for the participation of small, women, and minority business enterprises in the procurement process through its Small, Women, and Minority Business Enterprises Program. The program is not limited to small, women, and minority business enterprises, but may include veteran, disabled, and other socially or economically disadvantaged businesses, all hereinafter collectively referred to as "SWMBES" or "SWMBE". The Superintendent shall develop administrative procedures and mechanisms to further the District's program goals.</p>
<p>GOAL</p>	<p>The goal of this program is to increase participation by certified and qualified SWMBEs in the District's competitive procurement of goods and services, including facilities construction. [See CV(LOCAL)] Under this policy, the goal is for SWMBEs to participate in at least 20 percent of the total dollar value of contracts competitively procured. The Superintendent shall prepare and present quarterly written reports to the Board on the activities and results of the efforts to meet this goal or as otherwise directed by the Board.</p>
<p>GOOD FAITH EFFORT</p>	<p>The District aims to narrowly tailor its objective to promote and increase SWMBE participation by allowing contractors to waive the District's aspirational goal and receive some SWMBE-related merit if the District finds the contractor has shown a good faith effort in trying to secure SWMBE subcontractors. The Superintendent shall institute administrative procedures on how to determine and evaluate a good faith effort.</p>
<p>ADVISORY COMMITTEE</p>	<p>The Board may appoint a SWMBE advisory committee composed of seven persons. The advisory committee may include, but not be limited to, members or representatives of the SWMBE business community, members of advocacy organizations for the socially or economically disadvantaged, and other members of the business community who are knowledgeable in state and federal competitive procurement processes. The advisory committee shall:</p>

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1. Have the ability to review the District's SWMBE results and make advisory recommendations to the Board on how to improve the results;
2. Act as an intermediary between the District and SWMBEs by advising the District of SWMBE feedback and concerns; and
3. Be able to review administrative procurement procedures and make advisory recommendations on how they may be changed to expand SWMBE involvement in the procurement process.

CERTIFICATION

Only certified SWMBEs participating in the District's competitive procurement of goods and services may be counted toward the District's goal. Qualified SWMBEs may be identified through certification agencies such as the:

1. South Central Texas Regional Certification Agency;
2. National Minority Supplier Development Council;
3. U.S. Small Business Administration;
4. Women's Business Enterprise National Council;
5. National Women Business Owners Corporation; or
6. Other organizations as determined by the Superintendent.

SUNSET PROVISION

The SWMBE program shall run for five years from the effective date of this policy. The Board may renew the SWMBE program prior to its expiration. The District shall endeavor to produce or adopt a disparity study every four years, and it shall be used in determining whether the SWMBE program will be renewed.