

PURCHASING AND ACQUISITION

CH
(LOCAL)

General Guidelines	The Superintendent shall develop purchasing procedures to implement the requirements of state and federal law. [See also CB, CBB, CH(LEGAL), and COA]
Specific Purchasing Authority Retained By the Board	<p>The Board retains all purchasing authority not specifically delegated herein or at CV(LOCAL) for construction.</p> <p>The Board specifically retains authority to approve the following, under all circumstances, prior to execution of a written contract:</p> <ol style="list-style-type: none">1. Contracts for participation by the District in interlocal agreements entered into under Government Code 791, including those for cooperative procurement;2. Contracts for the use, purchase, or acquisition of real property and improvements, personal property, or the financing thereof under the provisions of Texas Local Government Code, Chapter 271;3. Contracts for the use, purchase, or acquisition of real property, including mineral interests and easements or license agreements granted on District property, provided, however, that the Superintendent may approve the District's grant of any utility easement required in connection with construction or improvement of District facilities;4. Contracts for goods or services under the Federal E-Rate Program, regardless of the contract amount or whether the goods or services require competitive procurement; or5. Contracts over \$250,000 per year for the administration or management of health insurance or other employee benefits.
Exception for Emergency Contracts	<p>In the event of a catastrophe, emergency, or natural disaster affecting the District, the Board delegates to the Superintendent the authority to contract for the replacement, construction, or repair of school equipment or facilities in accordance with law, if emergency replacement, construction, or repair is necessary for the health and safety of District students and staff. The Superintendent shall report to the Board at the next regular meeting any contract made under this authority. [See Disaster Exception, CH(LEGAL)]</p> <p>The delegation regarding emergency contracts does not waive competitive purchasing requirements under Education Code Chapter 44. Only the Board is authorized to waive competitive purchasing requirements under limited circumstances in accordance with Education Code 44.031(h). [See Emergency Damage or Destruction, CH(LEGAL)]</p>

Delegation of Authority

The Board delegates to the Superintendent the authority to approve:

1. Contracts for the purchase of produce and fuel, regardless of the cost and whether such items require competitive procurement;
2. Budgeted purchases of and contracts for other goods or services, except for those acquired through sole source in an amount over \$100,000 per year;
3. Contracts for the provision of professional services, except for those over \$100,000 if acquired without an open solicitation or through sole source;
4. Amendments to existing nonconstruction contracts, so long as the cost of the amendment, either alone or cumulatively with prior approved amendments, does not result in an increase in the original contract cost of more than 25 percent;
5. Extensions of existing nonconstruction contracts pursuant to an option to extend, at the discretion of the District, that was included as part of the original contract award;
6. Extensions of existing contracts for up to 120 days, whether or not the extension was included as part of the original contract award; or
7. Any memorandum of understanding or other agreement where the cost or in-kind obligation on the part of the District has a value of \$50,000 or less.

Approval of Superintendent Delegation

The Board authorizes the Superintendent to delegate his or her purchasing authority granted by this policy to the District's director of purchasing or other designee to approve budgeted purchases. Such delegation may be set out in administrative regulations.

Signatory Authority

Absent a specific authorization of an individual to execute a contract for goods or services approved by the Board acting as a body, the President of the Board shall be deemed authorized to sign on behalf of the Board.

The Board further authorizes the Superintendent to execute any additional documents necessary to effectuate a contract for goods and services previously executed by the Board President with Board approval in accordance with this policy.

Ethical Communications

No vendor, bidder, proposer, or potential vendor, bidder, proposer, or any agent or representative of such individuals shall contact or communicate, orally or in writing, nor undertake activities or actions to promote or advertise his or her qualifications or proposal to any

member of the Board or District administration, or any consultant, or committee member involved in this selection, or his or her respective staff, at any time between the date of issuance of the solicitation, RFP, or RFQ, and the date of award of the contract. This restriction extends to “thank you” letters, phone calls, emails, and any contact that results in the direct or indirect discussion of the bid solicitation, RFP, RFQ, and/or a bid or proposal submitted by a vendor bidder or proposer.

This limitation shall not extend to the following:

1. Communications with the District’s purchasing director or District contact person designated in the solicitation of the document, relating to matters of process or procedure for the procurement, clarification of language in the particular bid or solicitation of the document, notification of possible legal defects or other errors in the procurement, or the need for additional information or materials in order to adequately prepare a bid, quote, or response;
2. Communications or contacts at pre-proposal or pre-bid conferences, presentations before evaluation committees, contract negotiations, and public presentations at Board meetings;
3. Communications with District legal counsel;
4. Communications specifically requested in writing by a District purchasing representative; or
5. Communications involving a public complaint. In the case of a complaint, the vendor shall be referred to the procedures at GF(LOCAL) for addressing public complaints. In such event, the Superintendent should be notified regarding the communication and shall keep the Board apprised of any developments in connection with the complaint.

Members of the Board shall not knowingly accept or engage in communication prohibited by the policy that is initiated by vendors, proposers, or potential bidders or proposers or their respective agents (vendors). If approached by a vendor regarding any issue related to an ongoing solicitation, a Board member shall take the following action, upon determining the prohibited nature of the communication:

1. Immediately terminate the communication; and
2. Refer the individual to the director of purchasing or the Superintendent, as appropriate, for any information requested.

If the communication involves a public complaint, the vendor shall be referred to the procedures contained in GF(LOCAL) for addressing public complaints. In such event, the Superintendent should be notified regarding the communication and shall keep the Board apprised of any developments in connection with the complaint.

Contact with potential District vendors, even when not involved in an ongoing solicitation, should be minimized by Board members to the extent possible to avoid the appearance of impropriety. If approached by a vendor regarding doing business with the District, a Board member shall refer the individual to the Superintendent or the director of purchasing for information regarding doing business with the District.

If competitive procurement is required by law or this policy, Board members shall not recommend or comment on the desirability of any particular vendor, proposer, or potential proposer. While the Board is permitted to reject the recommendation of the selection committee or administration, the Board's reevaluation shall be based solely upon the criteria published in the RFP or bid solicitation and not based upon Board members' personal views.

Purchasing Method

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

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 the adopted budget, state law, Board policy, and the District's purchasing procedures. [See CE(LOCAL)] 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.

Purchase Commitments

All purchase commitments shall be made by the Superintendent on a properly drawn and issued purchase order, in accordance with administrative procedures.

Personal Purchases

District employees shall not be permitted to make purchases for personal use through the District's business office.

Electronic Bids or Proposals

The District may receive bids or proposals electronically as per Education Code 44.031 and shall follow all applicable purchasing policies and procedures. The District shall safeguard the integrity of the procurement process.

The Superintendent shall provide certification that electronic bids and proposals follow all applicable District purchasing processes

and procedures including, but not limited to, requiring that bids or proposals be:

- Accepted until the closing deadline;
- Submitted and accepted through E-Bid;
- Submitted on the forms provided; and
- Unopened until date and time indicated on the solicitation, as applicable.