

Staff Follow Up: June 9, 2020
School Board Operational Meeting
SBOM-060920-02 (HB) REVISED



Educating Today's Students to
Succeed in Tomorrow's World

Topic: DD-1 – HCT Report – Agreed-Upon Procedures – Recordex
SimplicityTouch Interactive Flat Panels

Staff Follow Up: Staff to provide all relevant documents (e.g., agenda, minutes, and recommendations) and feedback from the Audit Committee for this item. **(H. Brinkworth) SBOM-060920-02**

Response: Attached to this response please find the Audit Committee meeting agenda and revised minutes from the May 14, 2020 meeting. The minutes were approved at the Committee's meeting on June 18, 2020.

Also included are copies of Policy 3320, 5306, 5306.1 and the ethics policies.

JJ:mm

AUDIT COMMITTEE MEETING

Thursday, June 18th, 2020
11:30 a.m. – Microsoft Teams
AGENDA

This Audit Committee Advisory Meeting will be conducted by Audit Committee Members via electronic communication. The meeting is also available at www.browardschools.com under the Community tab and then in the Advisory Committee tab. Due to Broward County Administrator's Emergency Order 20-01, public comments will be accepted on all agenda items in the following manner: Any person may submit written comments regarding general items and for public speakers to: Michele Marquardt, Executive Secretary, Office of the Chief Auditor, 600 Southeast Third Avenue, Fort Lauderdale, FL 33301 or by e-mail to michele.marquardt@browardschools.com no later than two (2) hours in advance of the published time of this Audit Committee Advisory Meeting. Anonymous comments will not be accepted; therefore, each written comment must include the person's name and address. Pursuant to School Board Policy 1100A, in the event a large group of individuals [more than twenty (20)] submit comments on one agenda item, the Audit Committee Chair has the authority to adjust the time limit for each speaker to speak less than the three (3) minutes (which is approximately 400 words) usually permitted, and/or limit the overall time speakers will be heard on that item. A maximum of the first ten (10) written submissions (equaling 30 minutes) that address the Audit Committee on general matters of public relevance (non-agenda items) will also be accepted and read into the record. Each submission should specify a topic of the matter being shared and must adhere to the approximately 400 word maximum as noted above.

NEW BUSINESS

1. Administrative Matters (11:30 – 11:35)
2. Approval – Agenda for the June 18th, 2020 Audit Committee Meeting (11:35-11:40)
3. Approval - Minutes for the May 14th, 2020 Audit Committee Meeting (11:40 – 11:45)
4. Appointment - Audit Committee Nominating Committee (11:45 – 11:50)
5. Public Comments (11:50 -11:55)
6. RSM - Internal Audit of Program Management FY 2019 - 2020 Q3- (11:55 -12:10)
7. Audit Committee Meeting Times (12:10 – 12:15)
8. Chief Auditor Comments and Updates (12:15-12:20)
9. Audit Committee Member Comments (12:20 -12:30)

This agenda and the above reports/documents are available on the Office of the Chief Auditor's website. The documents can be accessed on-line at www.browardschools.com/audit by selecting Audit Committee Meetings and then the applicable year and meeting date.

Please contact our office for assistance at (754) 321-2400
Office of the Chief Auditor

UPCOMING AUDIT COMMITTEE MEETINGS

[\(All meetings on Microsoft Teams at 11:30 AM\)](#)

- August 13, 2020
- October 8, 2020
- November 19, 2020
- January 28, 2021
- March 11, 2021
- May 6, 2021
- June 17, 2021

The School Board of Broward County, Florida
AUDIT COMMITTEE

MINUTES OF AUDIT COMMITTEE MEETING

May 14th, 2020

Mr. Moses Barnes, Audit Committee Chair, called the virtual Audit Committee meeting to Order at 11:30 A.M. The meeting was conducted through Microsoft Teams. Mr. Barnes led the Pledge of Allegiance to the Flag of the United States of America. Members and staff were introduced.

Members Present:

Mr. Moses Barnes, Chair
Mr. Robert Mayersohn, Vice Chair
Ms. Rebecca Dahl
Ms. Hagen Disch
Ms. Mary Fertig
Mr. Michael Gauci, CPA
Dr. Nathalie Lynch-Walsh
Mr. Andrew Medvin, CPA
Ms. Connie Pou, CPA
Ms. Phyllis Shaw

District Staff Present:

Mr. Joris Jabouin, Chief Auditor, Office of the Chief Auditor (OCA)
Mr. Maurice Woods, Chief Strategy & Operations Officer, Office of the Chief Strategy
Operations Officer
Mr. Daniel Gohl, Chief Academic Officer, Office of the Chief Academic Officer
Mr. Phillip Dunn, Chief Information Officer, Office of the Chief Information Officer
Mr. Frank Girardi, Executive Director, Office of Chief Facilities & Construction Management
Ms. Gerrilyn Arlotta, Assistant Director, Accounting & Financial Reporting (AFRD)
Ms. Mary Coker, Director, Procurement & Warehousing Services (PWS)
Mr. Oleg Gorokhovskiy, Director, Budget
Ms. Ali Arcese, Manager, Property and Inventory Audits, OCA
Ms. Meredith Arlotta, Manager, Operational Audits, OCA
Ms. Ann Conway, Manager, Internal Funds Audits, OCA
Ms. Jennifer Harpalani, Manager, IT Audits, OCA
Mr. Reynaldo Tunnermann, Manager, Charter School Audits, OCA
Ms. Vivian Pilar, Accountant V, AFRD
Mr. Eric Seifer, Auditor III, OCA

Ms. Kashama Patel, Auditor III, OCA
Ms. Raysa Lugo, Auditor III, OCA
Ms. Marissa Smith, Senior Process Analyst, PWS
Ms. Beatrice Morin, Teacher-ESE Support Facilitator, Flamingo Elementary School
Ms. Elizabeth Kirschner, Teacher Language Arts, J.P. Taravella High School
Ms. Sarah Leonardi, Teacher Language Arts, Nova High School
Mr. Bryan Erhard, System Support Specialist II, OCA
Ms. Michele Marquardt, Executive Secretary, OCA
Mr. Jonathan Tolentino, Confidential Clerk Specialist C, OCA
Ms. Megan Gonzalez, Confidential Clerk Specialist B, OCA
Mr. Arsenio Mobley, Property Inventory Auditor, OCA

Guests Present:

Mr. Roderick Harvey, Managing Member, HCT Certified Public Accountants and Consultants (HCT)
Mr. James Patton, Audit Senior Manager, HCT
Ms. Kimberley Burke, Strategic Executive Administrator/Administrative Operating Officer, HCT
Mr. Andrew Grub, Student
Ms. Deniece Williams, Garth Solutions Inc.
Mr. Scott Travis, Reporter, Sun-Sentinel

Public Guests:

Mr. Jim Simon

Unidentified Attendees:

(954) 558-4720
(954) 243-4430
(954) 967-4455
(954) 275-6236
(609) 335-8226
266696687
Anonymous
JB

For more details regarding this Audit Committee meeting, please refer to the audio file of this meeting which is posted at <https://www.browardschools.com/Page/34791>.

Administrative Matters

Mr. Jabouin welcomed the Committee members and participants and wished them the best of health. He then discussed a variety of meeting protocols.

Mr. Jabouin stated that copies of CE form 8B *Memorandum of Voting Conflict for Community, Municipal, And Other Local Public Officers* were e-mailed to the members to be used if they feel that they have a voting conflict on any of the items discussed at the meeting.

New Business

Approval of the Agenda

Mr. Mayersohn asked for a moment of silence for Renee Grutman, a former BCPS employee and a long-time volunteer.

Formal Motion to request the approval of the Agenda was made by Ms. Fertig and seconded by Dr. Lynch-Walsh. The motion passed unanimously.

Minutes

The Committee discussed the Minutes from the meeting of March 12, 2020.

For more information regarding the March 12, 2020 Minutes, please refer to the Minutes posted at <https://www.browardschools.com/Page/34791>.

Formal Motion to request the approval of the minutes was made by Dr. Lynch-Walsh and seconded by Ms. Disch. The motion passed unanimously.

HCT Certified Public Accountants and Consultants Agreed-Upon Procedures Report – Purchases of Recordex SimplicityTouch Interactive Flat Panels

Mr. Jabouin introduced the Agreed-Upon Procedures Report prepared by HCT on the Recordex SimplicityTouch Interactive Flat Panels purchased by the District from 2014 to 2019.

Mr. Jabouin noted that he has already e-mailed the draft report to the Committee. He then e-mailed the full report and spoke to each member about the report. He also e-mailed the report to all of the School Board members and then spoke to several School Board members about the report. He then noted that he had also forwarded an e-mail that was originally sent to the School Board members to the Committee subsequent to his discussions with each member. The e-mail included attachments for Post-Board approval memorandums as well as additional explanations from Mr. Dunn and Mr. Woods.

Mr. Jabouin noted that the District purchased 2,900 interactive boards, but the auditors noted that only 5 had exceptions to policy. However, the auditors also noted findings that called for improvements to the District's policies, procedures, and practices. The auditors could not find

documentation on the Recordex selection and had comments on the supporting financial analysis and bid structure.

Mr. Jabouin noted that the auditors reviewed similar Recordex purchases and found that the District's purchases were within the market of the rates paid by other school districts at the time of their purchases.

Mr. Jabouin noted that information from technology manuals are in the exhibits to the report and he pointed out the different features of the interactive board products purchased by Miami-Dade and Palm Beach counties versus the product purchase by the District.

With respect to the observation on the relationship between the District's former CIO and Edco's owner, Mr. Jabouin noted the dollar amounts with the transactions involving the house sale. He noted that he spoke to the State Attorney's office during the course of the fieldwork and also provided the draft and final report to the State Attorney's office.

Mr. Jabouin then introduced Mr. Rodrick Harvey of HCT to discuss the report.

Mr. Harvey provided background of HCT and introduced his staff that worked on this engagement. He reviewed the engagement and turned it over to Mr. Patton who reviewed the findings in more detail.

Ms. Dahl asked procurement how they go into looking at this with the cost of Recordex to other boards. Ms. Coker explained that at the time of a need of a department, they would work collaboratively with user departments to provide a scope of work and technical specification in identifying existing products in the market. Ms. Coker also stated that in 2014-15, unfortunately she had not been in the District, and the purchasing agent at that time no longer works in the District, and she could only give specifics and reassure what happens currently. She discussed that currently, there is a combination of different types smart boards, and it is not limited to just one vendor.

Mr. Jabouin directed the Committee to page 15, Finding 3-02 which relates to Ms. Dahl's question. Ms. Dahl followed up by saying her concern is that she didn't understand why the procedures were not followed as this was a large purchase.

Ms. Disch began with stating that she thought the audit was good considering it went back to 2014. Her first question was in regard to the cost of the AUP. Mr. Harvey answered that the purchase order for the AUP was \$35,000. Her next question asked if there was a reason why an annual AUP wasn't being done for this process, and why now we are going back to 2014.

Mr. Jabouin discussed how the OCA determines the risk assessment and creates the audit plan and how based on the number of hours, what audits can be performed. He further explained that the OCA has historically been far behind on regulatory-required audits that needed to be completed before audits that were assessed as needed. Such an audit would have been selected eventually after the required audits were performed. In this particular case, they would have looked at this subject at some point, but it did not make the audit plan for this year. When we became aware of this situation, the Superintendent reached out, and we then engaged HCT.

Ms. Disch responded that regular audits of these type of areas would be helpful. Her recommendation would to have an ongoing look at very material purchases yearly and to have an AUP done annually. Ms. Disch also asked how they found the house purchase. Mr. Patton answered that it came to their attention in an article as they performed their research. After they were aware, they went to public records, and confirmed through the attorney at Edco.

Ms. Disch asked if there was any update regarding the State Attorney. Mr. Jabouin answer that he heard from the State Attorney's office. They informed him that they forwarded the information to another attorney in a more statewide State Attorney office.

Ms. Fertig asked for clarification and background on Mr. Hunter. She stated that Mr. Hunter worked for the School Board on two occasions, February 2013 through February 2014, then went to work for the Atlanta school board, and he return to the District from May 2015 until the fall of 2018. Ms Fertig indicated that both times he worked for the District there were contracts with Recordex and asked if that was accurate.

Mr. Jabouin pointed out a chart on page 6 of the report that goes over some of the different parties involved and that may give some clarity. He also stated that the contract was with Dell, not Recordex. Ms. Fertig followed up by asking if the product, Recordex, was first purchased in 2014 during Mr. Hunter's first tenure at the School Board, and then again when he came back. Mr. Jabouin referred to a timeline on page 18 of the report, and it does appear that when the purchase occurred in 2014, Mr. Hunter had left the District. Ms. Fertig then made the comment that the purchase would have been in process prior to May.

Ms. Fertig next asked what product did Broward County Schools use prior to the Recordex. Mr. Gohl answered that he arrived in the District in June of 2015 and is not sure what product, if any, was used at that time. He also added that the technology has drastically changed for this product in the last decade and has made it more feasible to put them in the classrooms and not just in specialized presentation centers.

Ms. Fertig asked when the initial purchase was made, and Ms. Harpalani responded that the first purchase was made on October 20, 2015. She continued that the timeline shows 2014 because the first initial 5 Recordex purchases were made under bid 14-046E, and Mr. Hunter made the purchases during his second term of employment.

Ms. Fertig also made some additional comments and did not feel they could be answered based on no one currently being employed during this time. She questioned if there was training, a teacher satisfaction survey, and how the product was selected. She mentioned how disturbing it was that there was no real documentation as to what went into this product selection and refers to policy 3320.

Ms. Fertig then asked if this was presented to the Board in the monthly report that is required per policy 3320. Mr. Woods responded that all post-memo board items that are submitted through the Superintendent are required to be put into a monthly document and shared with the Board. Based on normal protocol, the items would go in front of the Board. Ms. Coker stated that her staff verified that this information did go out in a summary report from the Superintendent to the Board members as they used to go out monthly as a post-board memo.

Ms. Fertig followed up by asking if they are still going out monthly. Mr. Woods responded the amount of post-board memos has been significantly reduced, and there are months where there are no post-board memo items, and in those months, there would be no update to the Board. Ms. Fertig then stated that her recommendation would be to look at the policy as it has not been updated since 2014 and to make changes if needed.

Ms. Fertig made a comment pertaining to page 16 and items are compared as equal products. Although this is an excellent audit, she doesn't think you can conclude that you paid the same price as you do not know what they got. She then referred to page 17 and asked if there were any indications that Mr. Hunter also purchased a car or cars previously owned by the owner of Edco. Mr. Jabouin answered that Mr. Hunter did not return calls to answer questions. He continued that he and HCT were able to speak to the attorney for Edco. There was also some correspondence that Ms. Brinkworth forwarded where Mr. Hunter denied the purchase of a car; however, they were unable to speak to him during this process.

Ms. Fertig then asked if Mr. Hunter had filed the ethics forms required by a School Board employee during years that he worked for the Broward County School Board. Mr. Jabouin did not have that information but would follow up.

Ms. Fertig then asked that the large technology purchase of 2016 made with bond money be looked at as far as looking at every step of the purchasing process to be sure it was followed and that the purchase was done correctly as it is the same department and same timeframe. Ms. Fertig concluded that if policy has been followed, they would not be seeing these types of remarks.

Mr. Gauci thanked HCT for their report. He stated that the most concerning was that throughout this report there is the suggestion of a lack of objectivity. Then he stated that it was noted that there was not a requirement for selection committees. Mr. Patton answered that there was mention of a selection committee but not that it was required on all purchases.

Mr. Gauci also asked the auditors about procurement's best practices and if they saw a requirement to evaluate supplier performance at later dates after the purchase had been made. Mr. Patton answered that he did not see anything specifically about that during his audit. Mr. Gauci followed up by stating he thinks the policy and procedures need to be updated.

Dr. Lynch-Walsh asked if there were written procedures now and if they could be forwarded to the Committee. She asked to see the procedures that flow from the policy that is in place.

Dr. Lynch-Walsh also inquired as to Policy 3320 as it relates to 2S. She asked about consistency on how things were identified on the memo to the Board because someone may miss that these two are more or less the same thing being purchased. Mr. Woods responded that there should be consistency, and at that time, consistency didn't exist and may have contributed to the two memos being processed and not being caught. Since that time and upon the arrival of Ms. Coker, they worked to continually improve operations and have gone to an automated database that would allow them to pull up any past post- memos to verify and confirm that they are not the same or similar products. He stated that this will allow them to minimize this from happening again.

Dr. Lynch-Walsh discussed Policy 3320 as it relates to both splitting orders to avoid the threshold and questioned how Recordex was deemed to be the product to be used in the best interest of the District as no evidence was found supporting that issue, and she stated that both of the requirements were violated and were not identified or mentioned in the audit. Mr. Harvey explained that HCT had performed interviews with various departments, and the prevailing thought was that no one was available, and people had left the District and were unable to include that in the finding. Mr. Patton added that they were separate initiatives. Dr. Lynch-Walsh followed up by stating she finds this to be problematic and should have been noted.

Dr. Lynch-Walsh then discussed Objective 2 under Finding 2.01 recommendation of having a committee. She referred to Policy 5306 that is the Technology Advisory Committee (TAC) and should be actively involved in technology initiatives and stated it is another policy that is being violated and should be noted in the audit. Mr. Jabouin acknowledged this issue and noted that during the exit interviews with HCT and management, it was brought up to look at TAC minutes which were then provided. HCT was unable to find that documentation within the minutes. Mr. Jabouin added that Policy 5306 was provided to HCT. He continued that it is important for the District to strengthen the internal control processes on these types of purchases. The CIO and the Chief of Strategy and Operations committed to ensure this happens. Dr. Lynch-Walsh further commented that Policy 5306.1 relates to TAC and Policy 5306 is Technology Usage.

Dr. Lynch-Walsh commented on page 13, Issue 1-02 regarding the difference between the amount paid was in excess of the original estimate and no reason was given and stated she would have liked to have seen that in the report. Ms. Burke commented that 92 units were purchased versus the 70 that were proposed. Dr. Lynch-Walsh noted that she found it unacceptable for management to respond that nothing could be done for 90-days after schools reopen after COVID 19.

Dr. Lynch-Walsh then asked why the correspondence between Mr. Hunter and the owner of Edco was not included and asked about the nature of the correspondence. Mr. Patton stated that there was no incriminating content in the emails and didn't find it necessary that they be included.

Dr. Lynch Walsh asked if Edco has similar arrangements or relationships with other IT chiefs, or just Broward. Mr. Patton responded that they did not come across any indication of that happening; however, he stated that was beyond the scope of their engagement.

Dr. Lynch-Walsh asked if a reasonable person could conclude that Mr. Hunter was the reason that Recordex was chosen. Mr. Jabouin responded that it is difficult to make that assumption. The auditors relied on the information as best as they could and researched as much as they could with information, and their recommendations are valid.

Dr. Lynch-Walsh follow up on the comments of Ms. Fertig and Ms. Disch regarding Mr. Hunter being involved in any other single-source contracts which he may have initiated. She referred to Lenovo and Streamvu as two that may need to be reviewed and asked that they be reviewed. Mr. Jabouin stated that all audit functions are going to be driven by the audit plan. A new plan will be created for the new fiscal year, and he has noted this comment which can be discussed when the audit plan is brought to the Committee. Dr. Lynch-Walsh then commended HCT for their audit.

Mr. Mayersohn commented on Finding 1-02 and questioned if someone doesn't turn in a full bid, is that total bid considered non-responsive or just that portion of the missing pages. Mr. Woods responded that the entire bid is considered non-responsive if pages are missing and would be considered disqualified. Mr. Mayersohn disagreed regarding the recommendation of HCT to go back and ask vendors to submit missing pages, especially after a bid is open. He further added that he would like to see something in policy that would identify how missing pages were to be handled.

Next, Mr. Mayersohn discussed Policy 3320 as it relates to the Florida Administrative Code of dividing monetary thresholds. He added that he feels whether or not there were any findings or if it was undetermined, it should be stated even if it was inadvertently, and he believes it is an egregious violation and needs to be documented.

Regarding Finding 2-01 and how Recordex was chosen, Mr. Mayersohn discussed and read from the Policy 3320. Mr. Mayersohn referred to the District Educational Technology Plan 2013-2016. He further added that it is his opinion that this audit should reflect that regardless if there were minutes to support it. He would like the auditor to include that in this audit to reflect that they could not find any information that would confirm or deny that this was followed.

Mr. Medvin continued with some clarification questions and comments. On pages 7 and 8 of the report, specifically bids 5683 and 5663, reference a department contact as the former CIO. The other bids do not make reference of a department contact. Mr. Medvin asked if under normal practices and procedures, is there a point person on the different bids. Ms. Coker responded that when a bid has been sent out for solicitation via the purchasing agent, the contact should be the purchasing agent and is current practice.

Mr. Medvin then asked about piggybacking on other government agreements. He asked if this was a standard practice. Ms. Coker answered that it is common practice and allowed by policy for the School Board to piggyback off state contracts. She continued that this is a process by which the School Board is able to piggyback, and the contract has to allow for other local agencies or governmental agencies to piggyback.

Ms. Pou stated that most of her questions have been answered through other Committee members comments and would reiterate some comments. Ms. Pou continued that it appears that during the entire purchase, controls were not in place, procedures were not followed, and there was a total lack of controls. Ms. Pou would like to recommend that the policies and procedures be enhanced. It appears to her that this was a split purchase, and she would like to see the policies and procedures prohibit split purchases with everything, not only technology.

Ms. Pou also commented on the interview conducted and that it appears that there was no evaluation committee because there was no mention to the results on how the Recordex' were purchased. She would like the policies and procedures enhanced to require all RFP's, not only technology, to have an evaluation committee that would include the originating department, outside the department, procurement, and someone from the audit department. Mr. Jabouin indicated that he noted her comments.

Ms. Coker clarified that currently through the RFP process and per policy and their solicitation, procurement does have evaluation committees as required for RFP's. She further explained that on an Invitation to Bid, it is not a requirement for evaluation committees as pricing is the driving factor for choosing the pool of vendors.

Ms. Shaw stated that most of her questions have also been addressed. However, Ms. Shaw had a question as it relates to the sole source versus piggyback, and she asked if in terms of a sole source or piggyback, does that need to go to the School Board or does the director of purchasing make that final decision. Ms Coker explained that she wasn't sure where the wording came from that said this was a sole source. She stated that this was a piggyback that was chosen that had Dell as a vendor, and the vendor provided products that were Recordex. There is a different procedure for that type of procurement. This was a piggyback by which the Superintendent has the authority to purchase up to \$500,000 of commodities from an existing piggyback, which he did. The post-memo award letter is the approval for such action. She further explained that the director of procurement does not approve anything of that nature. Mr. Runcie has the authority to bring it to the Board as a post memo because the policy allows him to do so.

Ms. Shaw asked if there was an additional approval over and above the \$415,000. She further stated that if you have a contract for one amount, and then it changes, that needed to go through an approval process and asked if that was done. Mr. Woods answered that item is one that he would like to further evaluate, and he did not have an answer at this point. He continued that he does plan on doing a deeper analysis on some of these findings and work with the auditor to update the management responses.

Ms. Shaw stated that she disagreed with the recommendation under Finding 1-02. She feels that each bidder is responsible for making sure their package is complete, and if they don't, it should be an automatic disqualification. Mr. Harvey clarified that this was a catalog bid and most vendors did not bid on all items. He further explained that the vendors had the option to bid on whatever they offer out of the items being put forth to be purchases at some future time. Mr. Harvey continued that based on this case and unique circumstance, the recommendation was based on not knowing if the vendor did not offer the goods, purposefully left it blank, or if they should have put N/A. Mr. Patton further explained that the missing pages were not provided, and therefore, it was noted.

Ms. Shaw replied that she would recommend the District look at the policies and procedure to tighten up language regarding the instructions on the bids. She believes the system was circumvented because of the dollar amount and the District needs to look at this and update policies and procedures. She would also like to see Policy 5306 updated. Ms. Shaw further recommended an annual audit of this until they can be sure all areas are covered, then do an audit every few years. She also conveyed that she would like to see any other purchase Mr. Hunter made during his tenure. Ms. Shaw commended the auditors for their great work.

Mr. Barnes asked the title of Mr. Hunter. Mr. Woods responded that Mr. Hunter was Chief Information Officer. Mr. Barnes followed up to ask to whom did Mr. Hunter report. Mr. Woods replied that during Mr. Hunter's second tenure, he reported to the Superintendent. Mr. Barnes then asked if the assumption that the Superintendent would make would be that all protocols were

followed, and Mr. Woods agreed. Mr. Barnes stated that there needs to be accountability for lack of control to be sure proper protocols are followed.

After all committee members had a chance to ask their questions and comment on the audit, Ms. Fertig added that especially during these times, she feels the District needs to make sure they are getting the best price for items. She also asked that the \$281 million-dollar technology purchase from 2016 be looked at to make sure that anything outstanding from that be taken care of correctly.

Many Committee members discussed and agreed that this audit should be done more regularly. Mr. Jabouin discussed the balance of required audits and audits like this that need to be done. He stated that this will be discussed with the Committee during the audit plan meeting. The Committee discussed adding to the motion to include additional items so the Board could get this report for discussion and see how the Committee felt the scope needed to be increased.

Formal Motion made by Ms. Fertig and seconded by Ms. Shaw that the HCT audit be transmitted to the Board with the District Educational Technology Plan, Policy 5306, 5306.1, the ethics policy and policy 3320, with further recommendation to review the \$81 million purchase of the bond dollars and any significant purchases between 2015 to 2019 under the technology department under the former Chief Information Officer. The motion passed unanimously.

Public Comments

No public comments.

Audit Committee Member Comments

Dr. Lynch-Walsh discussed how public comments were addressed similarly to the Board meeting. She stated that she believes that if the public tunes into this meeting and have comments, they should be allowed to express them as most members of the public would not know the requirement to submit their comments prior to the meeting.

Dr. Lynch-Walsh also discussed the timing of the audit plan and is concerned about not discussing it until the August meeting. She would like the Board to be aware of the Committee's concerns as it relates to budget considerations.

Dr. Lynch-Walsh asked if there was an update on the Facilities Audit Manager position given the current hiring freeze and the status of the bond program. Mr. Jabouin replied that the OCA is complying with the District's hiring freeze at this time and mentioned he would discuss it with the Superintendent at his next one-on-one meeting. In response to Dr. Lynch-Walsh's questions, Mr. Jabouin replied that he had not received any qualified candidates.

Adjournment

Formal Motion to adjourn made by Ms. Fertig and seconded by Ms. Shaw. The motion passed unanimously.

Meeting Adjourned: 1:55 P.M.

For more details regarding this Audit Committee meeting, please refer to the audio file of this meeting which is posted at <https://www.browardschools.com/Page/34791>.

PURCHASING POLICIES

THERE IS A SEPARATE POLICY FOR BUILDING RENTALS OR LEASES (SEE POLICY 2314).

AUTHORITY: F.S. 1001.41

STATE BOARD OF EDUCATION ADMINISTRATIVE RULES, CHAPTER #6A-1.

POLICY ADOPTED: 11/13/69

POLICY AMENDED: 9/5/74; 7/29/76; 1/18/79; 1/22/81;
2/7/85; 10/01/87; 10/3/89; 5/4/93; 9/7/93; 8/18/9; 12/12/00, 8/5/03, 9/9/08, 4/20/10,
5/6/14

RULES

- PART I. PURCHASING POLICIES – DEFINITIONS**
- PART II. PURCHASING POLICIES – GENERAL PROVISIONS**
- PART III. PURCHASING POLICIES – FACILITIES AND CONSTRUCTION MANAGEMENT DIVISION**
- PART IV. PURCHASING POLICIES – FOOD AND NUTRITION SERVICES**
- PART V. PURCHASING POLICIES –RISK MANAGEMENT AND BENEFITS DEPARTMENTS**
- PART VI. PURCHASING POLICIES - TECHNOLOGY**
- PART VII. PURCHASING POLICIES – TITLE I AND HEAD START**
- PART VIII. PURCHASING POLICIES- PROTESTS ARISING FROM THE COMPETITIVE SOLICITATION PROCESS**
- PART IX. PURCHASING POLICIES – FIELD TRIPS**

I. PURCHASING POLICIES – DEFINITIONS

A. Definitions:

1. The term “competitive solicitation” shall be defined for the purposes of this rule to include purchasing made through the issuance of an invitation to bid, request for proposals and invitation to negotiate. Competitive solicitations are not required for purchases made through the pool purchase provisions of Section 1006.27, Florida Statutes.
2. “Invitation to bid” shall be defined for the purposes of this rule as a written solicitation for competitive sealed bids. The invitation to bid is used when the district school board is capable of specifically defining the scope of work for which a

contractual service is required or when the district school board is capable of establishing precise specifications defining the actual commodity or group of commodities required. A written solicitation includes a solicitation that is publicly posted.

3. "Invitation to negotiate" shall be defined for the purposes of this rule as a written solicitation for competitive sealed replies to select one or more vendors with which to commence negotiations for the procurement of commodities or contractual services. The invitation to negotiate is used when the district school board determines that negotiations may be necessary for it to receive the best value. A written solicitation includes a solicitation that is publicly posted.
4. The term "proposer" shall be defined for the purposes of this rule to include those vendors submitting bids or responses to a competitive solicitation.
5. "Request for proposals" shall be defined for the purposes of this rule as a written solicitation for competitive sealed proposals. The request for proposals is used when it is not practicable for the district school board to specifically define the scope of work for which the commodity, group of commodities, or contractual service is required and when the district school board is requesting that a responsible vendor propose a commodity, group of commodities, or contractual service to meet the specifications of the solicitation document. A written solicitation includes a solicitation that is publicly posted.
6. The term "superintendent" shall be defined for the purposes of this rule to mean "superintendent or designee."

II. PURCHASING POLICIES – GENERAL PROVISIONS

- A. The School Board shall authorize the Superintendent to establish procedures and to designate the authority to staff in order to implement this Policy.
- B. Purchases under \$5,000 that are not available from a contract awarded or approved for use by The School Board do not require quotations or solicitations. A requisition or Purchasing Card (P-Card) shall be utilized for purchases of goods or services included in a contract awarded or approved for use by The School Board and for any expenditure approved by an agenda item. Vendors of catalog goods shall be requested in

competitive solicitations to permit individual district schools or departments to make purchases of any awarded goods at a lower price from other vendors if the individual school/department's total purchase order is less than \$5,000. When necessary, a confirming Purchase Order shall only be placed with a vendor by the Supply Management & Logistics Department after receiving an approved requisition. Minority/Women's Business Enterprise (M/WBE) vendor participation will be strongly encouraged in this category of purchases.

- C. Purchases from \$5,000 to \$50,000 which require written solicitations that are not available from a contract awarded or approved for use by The School Board require a minimum of three written quotations, unless an exemption to this requirement is established herein. A requisition or an approved active P-Card shall be utilized for purchases of goods or services included in a contract awarded or approved for use by The School Board and for any expenditure approved by an agenda item. At least three suppliers shall be contacted for written quotations. At least two certified Minority/Women's Business Enterprise (M/WBE) vendors will be contacted where certified M/WBE vendors have been identified by The School Board as offering the product or service being purchased. When necessary, a confirming Purchase Order shall only be placed with the vendor by the Supply Management & Logistics Department after receiving an approved requisition. Only the Superintendent may waive this requirement unless the Superintendent is absent and has named a predetermined designee to include the Chief of Staff and/or Chief Strategy & Operations Officer. At that time, the Chief of Staff and/or Chief Strategy & Operations Officer may waive the quotations requirements under this section. The School Board authorizes the Superintendent or his predetermined designee the authority to execute agreements, which have been reviewed and approved for legal form and content by The School Board's Attorney for purchases up to \$50,000; execute amendments to agreements for purchases up to \$50,000 which do not materially change the original scope, execute agreements for parent reimbursement instead of providing transportation as required in special needs circumstances when in the best interest of the district considering vendor performance, market conditions, CPI/PPI evaluation and other procurement alternatives. The Board approval process for contract renewals will be presented to the Board at least two Board meetings prior to contract expiration to ensure the District is not without a contract in place. All contract renewals require Board approval. Before the contract expenditures reach the approved award amount, the contract will be brought back for Board approval to increase the award amount.

- D. 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 to the amount established in 6A-1.012(7) F.A.C. [This amount is currently \$50,000.] The procurement of commodities or contractual services may not be divided so as to avoid this monetary threshold requirement. Any application of the exemptions to competitive solicitations allowed herein will be considered if determined to be in the best interest of the School Board.
1. The School Board shall have the authority to reject any or all proposals submitted in response to any competitive solicitation and request new proposals or purchase the required commodities or contractual services in any other manner authorized by 6A-1.012(F.A.C.).
 2. In acceptance of responses to invitations to bid, The School Board may accept the proposal of the lowest responsive, responsible proposer. In the alternative, The School Board may also choose to award contracts to the lowest responsive, responsible bidder as the primary awardee of a contract and to the next lowest responsive, responsible bidder (s) as alternate awardees, from whom commodities or contractual services would be purchased should the primary awardee become unable to provide all of the commodities or contractual services required by The School Board during the term of the contract. When a bid has both a primary and alternate awardee, and the primary awardee is unable to perform during the term of the contract, Supply Management & Logistics will negotiate with the alternate awardee for the same or lower unit prices as those submitted by the primary awardee. Nothing herein is meant to prevent multiple awards to the lowest responsive and responsible bidders when such multiple awards are clearly stated in the bid solicitation documents.
 3. In acceptance of responses to requests for proposals, The School Board may award contracts to one or more responsive, responsible proposers in accordance with the selection criteria published in the request for proposal. The School Board is not required to request proposals for purchases made from contracts of the Department of Management Services as referenced in subsections (2) and (5) of 6A-1.012(F.A.C.).
- E. The requirements for requesting competitive solicitations and making purchases for commodities and contractual services as set forth in this section, are hereby waived as authorized by Section 1010.04(4)(a), Florida Statutes, when the following conditions have been met by The School Board:

1. Competitive solicitations have been requested in the manner prescribed by this rule, and,
 2. The School Board has made a finding that no valid or acceptable firm proposal has been received within the prescribed time. When such a finding has been officially made, The School Board may enter into negotiations with suppliers of such commodities and contractual services and shall have the authority to execute contracts with such vendors under whatever terms and conditions as The School Board determines to be in its best interests;
- F. The requirement for requesting solicitations or prior School Board approval is hereby waived for instructional materials purchased from state-authorized book depository or for instructional materials purchased for resale to students. The School Board may implement an adoptive instructional materials program pursuant to Florida Statute 1006.283. The School Board is not required to requisition instructional materials from the publisher's depository. The Superintendent will furnish The School Board a list monthly of all purchases under this category that exceed \$500,000.
- G. The requirement for requesting competitive solicitations or prior School Board approval is hereby waived as authorized by chapter 6A-1.012,(F.A.C.) State Board of Education Administrative rules, for the purchase of professional services which shall include, without limitation, artistic services; academic program reviews; lectures by individuals; auditing services not subject to s218.391; legal services, including attorney, paralegal, expert witness, court reporting, appraisal or mediator services; and health services involving examination, diagnosis, treatment, prevention, medical consultation or administration. Purchases in excess of \$50,000 for commodities or services which competitive solicitations have been waived require School Board approval.
- H. The requirement of requesting competitive solicitations from three or more sources is hereby waived as authorized by chapter 6A-1.012 (F.A.C.) State Board of Education Administrative rules for the purchase of educational services and any type of copyrighted materials including, without limitation, educational tests, textbooks, printed instructional materials, computer software, films, filmstrips, videotapes, DVDs, disc or tape recordings, digital recordings, or similar audio-visual materials, and for library and reference books, and printed library cards where such materials are purchased directly from the producer or publisher, the owner of the copyright, and exclusive agent within the state, a governmental agency, or a recognized educational institution. Purchases in

excess of \$50,000 for commodities or services, which competitive solicitations have been waived, require School Board approval.

- I. Commodities or contractual services available only from a single source are exempt from the competitive solicitation requirements. When The School Board believes that commodities or contractual services are available only from a single source, unless an exemption is established herein, the Supply Management & Logistics Department shall electronically or otherwise publicly post a description of the commodities or contractual services sought for a period of at least 7 business days. The description must include a request that prospective vendors provide information regarding their ability to supply the commodities or contractual services described. If it is determined in writing by the district school board, after reviewing any information received from prospective vendors, that the commodities or contractual services are available only from a single source, the district school board shall provide notice of its intended decision to enter a single source contract in the manner specified in Section 120.57(3), Florida Statutes, and may negotiate on the best terms and conditions with the single-source vendor. Purchases in excess of \$50,000 for commodities or services, which competitive solicitations have been waived, require School Board approval.

- J. If less than two responsive proposals for a commodity or contractual services are received, the school district may negotiate on the best terms and conditions or decide to reject all proposals. The school district shall document the reasons that negotiating terms and conditions with the sole proposer is in the best interest of the school district in lieu of re-soliciting proposals;

- K. Copyrighted materials purchased for resale to students are exempt from School Board approval and bidding requirements.

- L. As required by Section 1001.42(12)(j), Florida Statutes, the School Board shall receive and give consideration to the prices available to it under rules of the Department of Management Services, Division of Purchasing. The School Board may use prices established by the Division of Purchasing through its state purchasing agreement price schedule. School board policy provides for purchasing under this program of state purchasing agreements. The conditions for use shall be those imposed on state agencies. Purchases of \$500,000 or more under this section must have prior Board approval.

- M. In lieu of requesting competitive solicitations from three (3) or more sources, The School Board may make purchases at or below the specified prices from contracts awarded by other city or county governmental agencies, other district school boards, community colleges, federal agencies, the public or governmental agencies of any state, or from state university system cooperative bid agreements. When the proposer awarded a contract by another entity defined herein will permit purchases by a district school board at the same terms, conditions and prices (or below such prices) awarded in such contract, and such purchases are to the economic advantage of the district school board. Purchases of \$500,000 or more under this section must have prior Board approval.

- N. A contract for commodities or contractual services may be awarded, without competitive solicitations, if state or federal law, a grant or a state or federal agency contract prescribes with whom The School Board must contract or if the rate of payment is established during the appropriations process.

- O. A contract for regulated utilities or government franchised services may be awarded without competitive solicitations.

- P. The Superintendent is authorized to purchase commodities or contractual services where the total amount does not exceed \$500,000 and does not exceed the applicable appropriation in the district budget. The Superintendent is also authorized to purchase commodities or contractual services under the Department of Management Services state term contracts. Assistants functioning under the Superintendent's direction may be authorized to perform these purchasing tasks. No person, unless authorized to do so under the rules of The School Board, may make any purchase or enter into any contract involving the use of school funds. No expenditures for any such unauthorized purchase or contract shall be approved by The School Board. The requirement for competitive solicitations for the emergency purchase of commodities or contractual services is waived when the Superintendent determines, in writing, that an immediate danger to the public health safety, or welfare or other substantial loss to the school district requires emergency action. After the Superintendent makes such a written determination, the school district may proceed with the procurement of commodities or contractual services necessitated by the immediate danger, without requesting competitive solicitations. However, such an emergency purchase shall be made by obtaining pricing information from at least two prospective vendors, which must be

retained in the contract file, unless the Superintendent determines in writing that the time required to obtain pricing information will increase the immediate danger to the public health safety or welfare or other substantial loss to the school district. Subsequent to the emergency circumstances, the purchase shall be submitted to The School Board for post approval. Section P will not be used for late grant purchases without a letter of explanation to the Superintendent from the requestor.

- Q. Before making any purchase of commodities or contractual services for which the Superintendent is authorized by The School Board to make or before recommending any purchase to The School Board, the Superintendent shall, insofar as possible, propose standards and specifications. He or she shall see that the purchase or contract conforms to those standards and specifications, and shall take such other steps as are necessary to see that the maximum value is being received for any money expended.
- R. Specifications may be limited to a specific brand or product when necessary to supplement existing installations or for purposes of standardization. However, specifications which exceed industry standards for the intended use of the product, as determined by the Director of Supply Management & Logistics, must be justified in writing by the requestor and authorized by the Superintendent's direct reports. When drafting specifications for public bidding or considering renewal of an existing contract, the Supply Management & Logistics Department will request input and assistance from the requestor and the department's director in order to insure that specifications best meet the needs of the requestor. A customer satisfaction survey will be sent to the end users before renewing any contracts. However, in the event that input and assistance is not received in a timely manner, the Supply Management & Logistics Department may take action in the best interest of the district, including, but not limited to, releasing a solicitation or renewing an existing contract without the consent of the requestor.
- S. If the requested spending authorization for purchases from contracts or exemptions described herein is less than \$500,000, then the Superintendent is authorized to make purchases from the contract without prior School Board approval. The Superintendent will furnish The School Board a list monthly of all contracts or exemptions described herein above having estimated spend between \$50,000 to less than \$500,000.
- T. Purchases in excess of \$500,000 require prior School Board approval except in an emergency. The Superintendent shall furnish The School Board a list monthly of all awards which do not require prior School Board approval.

- U. Check Request or P-Card may be used when a Purchase Order is not required or for items exempt from bidding as designated herein or by the Superintendent or State Board Rules.
- V. Whenever possible, like purchases should be combined and bid by the Supply Management & Logistics Department. Multiple orders or split invoicing shall not be used to circumvent the rules established herein.
- W. If an item to be purchased is the same as or is similar to one stocked in The School Board's warehouse, the item from the warehouse must be purchased. If an item or service to be purchased is the same or of a similar nature as an item currently on contract, the item on contract must be purchased from the approved vendor. Any deviation from this procedure must be fully justified and documented by the principal or department head as to the reason for the exception, pre-approved by the Superintendent, and the documentation must be maintained for audit purposes. This rule applies to purchases made through all funds, including internal funds.
- X. The School Board authorizes the Superintendent to prepare and distribute any forms which are necessary to carry out the provisions of this policy. Such forms shall be considered as an official component of The School Board's purchasing procedure.
- Y. In a procurement utilizing a competitive solicitation, when identical prices are received from two or more vendors and all other factors are equal, priority for award shall be given to vendors in the following sequence:
 1. A business that certifies that it has implemented a drug-free work place program shall be given preference in accordance with the provisions of 287.087, Florida Statutes;
 2. The Broward County Certified Minority/Women Business Enterprise Vendor;
 3. The Palm Beach or Dade County Certified Minority/Women Business Enterprise vendor;
 4. The Florida Certified Minority/Women Business Enterprise Vendor;
 5. The Broward County vendor, other than a Minority/Women Business Enterprise Vendor;
 6. The Palm Beach or Dade County vendor, other than a Minority/Women Business Enterprise Vendor;
 7. The Florida Vendor, other than a Minority/Women Business Enterprise Vendor;

8. If application of the above criteria does not indicate a priority for award, the award will be decided by a coin toss. The coin toss shall be held publicly at the location where the bids were opened; the tie low bid vendors will be invited to be present as witnesses.

Z. In a competitive procurement utilizing a Request For Proposals (“RFP”) process, when an evaluation committee assigns points to the proposals received resulting in two or more proposals receiving identical points and all other factors are equal, priority for award shall be given to vendors in the following sequence:

1. A business that certifies that it has implemented a drug-free work place program shall be given preference in accordance with the provisions of 287.087, Florida Statutes;
2. The Broward County Certified Minority/Women Business Enterprise Vendor;
3. The Palm Beach or Dade County Certified Minority/Women Business Enterprise Vendor;
4. The Florida Certified Minority/Women Business Enterprise Vendor;
5. The Broward County Vendor, other than a Minority/Women Business Enterprise Vendor;
6. The Palm Beach or Dade County vendor, other than a Minority/Women Business Enterprise Vendor;
7. The Florida Vendor, other than a Minority/Women Business Enterprise Vendor;
8. If application of the above criteria does not indicate a priority for award, the award will be decided by a coin toss. The coin toss shall be held publicly as part of the meeting of the evaluation committee.

AA. In each district in which the purchasing agent for any public agency of the state is authorized by law to make purchases for the benefit of other governmental agencies within the county, The School Board shall have the option to purchase under the current contracts as may be established for any of the public agencies as set forth above at the unit price stated therein, if such purchase is to the economic advantage of The School Board, subject to conformance of the items of purchase to the standards and specifications prescribed by the Superintendent.

BB. Insofar as practicable, all purchases shall be based on contracts, purchasing card systems, electronic procurements or purchase orders. The Superintendent shall be authorized to approve purchases under rules of the district school board; provided that

in so doing, he or she shall certify that funds to cover the expenditures are authorized by the budget and have not been encumbered.

- CC. Whenever there is an opportunity in the marketplace to obtain additional cost savings from contracts currently awarded or approved by The School Board, the Supply Management & Logistics Department will pursue additional cost savings from vendors awarded those contracts by requesting special pricing or additional educational discounts.
- DD. Whenever The School Board finds a vendor to be in default of a contract which the vendor has been previously awarded, then the vendor will be removed for a period of two years, from all bid lists and will not be considered for any new awards during this period. At the end of this period, the vendor may re-apply for inclusion on bid lists and may be considered for any new awards.
- EE. The Superintendent shall furnish The School Board annually a report of P-Card transactions.
- FF. Any leasing or rental of tangible personal property (equipment and vehicles) shall be established based upon both the total combined expenditure for the District and the requirements established by rule herein for requesting either written quotations or bids. Agreements for an amount established herein for bids and resulting from a bid recommendation shall be placed on The School Board agenda by the Director of Supply Management & Logistics. Agreements for an amount established herein for bids and not resulting from a bid recommendation shall be placed on The School Board agenda by the respective division/department head. A copy of all Agreements approved by The School Board shall be retained by Official School Board Records.
- GG. **CONE OF SILENCE:** Any proposer, or lobbyist for a proposer, is prohibited from having any communications (except as provided in this rule) concerning any solicitation for a competitive procurement with any School Board member, the Superintendent, any Evaluation Committee Member, or any other School District employee after the Supply Management & Logistics Department releases a solicitation to the General Public. All communications regarding the solicitation shall be directed to the designated staff member unless so notified by the Supply Management & Logistics Department. This “Cone of Silence” period shall go into effect and shall remain in effect from the time of release of the solicitation until the contract is awarded by the School Board. **Any**

proposer or lobbyist who violates this provision shall cause their proposal (or that of their principal) to be considered non-responsive and therefore be ineligible for award.

HH. CODE OF ETHICS FOR PERSONNEL AUTHORIZED TO PURCHASE

1. Comply with the Code of Ethics for Public Officers and Employees to the extent applicable to the school district's purchasing personnel.
2. Grant all vendors equal consideration insofar as state and federal laws and The School Board of Broward County, Florida's policies permit.
3. Strive to obtain the maximum value for each dollar of expenditure.
4. Decline personal gifts or gratuities in exchange for favorable consideration.
5. Conduct business with potential and current suppliers in an atmosphere of good faith, devoid of intentional misrepresentation.
6. Demand honesty in sales representation whether offered through the medium of a verbal or written statement, an advertisement, or a sample of the product.
7. Strive consistently to increase the knowledge about the goods and services purchased.
8. Make every reasonable effort to obtain an equitable and mutually agreeable settlement of any controversy with a vendor, insofar as applicable law and The School Board of Broward County, Florida's policies permit.
9. Accord a prompt and courteous reception, insofar as conditions permit, to all who communicate with the school district on legitimate business missions, whether by letter or e-mail, by telephone, or in person.
10. Cooperate with professional associations and governmental agencies for the purposes of promoting and developing sound business practices.

III. PURCHASING POLICIES – OFFICE OF FACILITIES & CONSTRUCTION

- A. All additions, modifications, and alterations to School Board properties shall conform with the State Requirement for Educational Facilities (SREF), Florida Building Code (FBC) and the laws of the State of Florida. School Board administrators shall obtain assistance in preparing bid specifications and applicable building permit(s) from the Facilities & Construction Office for these items.
- B. The School Board may structure contracts to avoid sales tax on public works project materials by purchasing those materials directly from the supplier rather than having the contractor make those purchases. A direct purchase program avoids the sales tax on materials incorporated into a public project. Section 212.08(6), F.S., contains the following basic requirements to qualify for the direct purchase program and the Board authorizes the Chief Financial Officer (CFO) to establish procedures and contracts

complying with the basic requirements and submission of an application for approval of the District's direct purchase program to the Department of Revenue.

1. The District will issue its own purchase order directly to the suppliers.
2. The District will provide the supplier with a copy of the District's sales tax exemption certificate.
3. The supplier's invoices will be addressed to the district, not the contractor.
4. Payments will be made by the district directly to the supplier.
5. The District will take title of the building materials and equipment directly from the supplier upon delivery rather than from the contractor after the project is completed.
6. The District rather than the contractor will bear the risk of loss of the materials as established through contract provisions concerning casualty insurance.

The School Board hereby authorizes the purchase of building materials and equipment through the direct purchase program contracts, rather than from other contracts The School Board may have with other suppliers for these items.

IV. PURCHASING POLICIES – FOOD AND NUTRITION SERVICES

- A. Groceries, canned goods, frozen foods, meats, and dairy products shall be purchased for the Food and Nutrition Services operation and vocational centers on bids. The Superintendent may exempt these items from bid requirements (except milk) during periods of fluctuating market conditions, and under terms and conditions to be in the best interest of the school system. Milk may be exempt from this procedure under the following conditions:

1. The School Board has made a finding that no valid or acceptable firm bid has been received within the prescribed time; or
2. The School Board has made a finding that an emergency situation exists and may enter into negotiations with suppliers of milk and shall have the authority to execute contracts under whatever terms and conditions as the Board determines to be in the best interest of the school system.

Purchasing procedures for all items exempt from bid requirements to be purchased by the Food and Nutrition Services Department shall be coordinated with and approved by the Director of Supply Management & Logistics.

- B. Seasonal fresh fruits and vegetables shall be bid-exempt and shall be purchased by the individual school food service departments under terms and conditions determined to be in the best interest of the school system.

- C. In order to effect an orderly and efficient operation, the Food and Nutrition Services Department shall be exempt from the requisitioning process; encumbering and use of purchase orders for the purchase of food items in accordance with State Board Administrative Rules.

- D. All food purchases shall conform to the Federal Food, Drug and Cosmetic Act, the Federal Meat Inspection Act, and the Meat Inspection Law of Florida, and any other federal or state safeguards relating to the wholesomeness of specific items being purchased.

V. PURCHASING POLICIES – RISK MANAGEMENT AND BENEFITS DEPARTMENTS

- A. All Employee Benefit programs (Health, Life Insurance, etc.) shall be competitively bid as required in chapter 112.08, Florida Statutes. Once competitively bid, subsequent contract renewal(s) may be negotiated, and presented to The School Board for approval. Any plans for self-insurance or entering into a Risk Management consortium to provide such coverage's, must be presented to The School Board for approval and to the Department of Insurance.
- B. Except as otherwise required by statute, The School Board, when purchasing insurance, entering risk management programs, or contracting with third party administrators, may make any such acquisitions through the competitive solicitation process as described herein or by direct negotiations and contract.

VI. PURCHASING POLICIES - TECHNOLOGY

(DEFINITION)

- A. Policy 5306 envisions a fully integrated technology system covering, but not limited to, the following:
 - 1. Instructional and staff workstations (both desktop and portable), printers, scanners and other peripherals;
 - 2. Administrative staff workstations (both desktop and portable), printers, scanners and other peripherals;
 - 3. Campus and departmental local area networks (both wired and wireless), including wiring, hubs, routers, transmitters/receivers and other devices;
 - 4. Servers, including instructional lab servers, CD-ROM servers, video servers, file and print servers, database servers, and Internet proxy caching servers;
 - 5. A Wide Area Network linking all SBBC sites into one countywide Intranet;
 - 6. Telephone systems, including primary systems, integrated voice response/management systems, and automatic dialing systems;
 - 7. Learning resource management systems, including library automation systems;
 - 8. Distance learning systems;
 - 9. Video capturing, broadcast, receiving, and distribution systems;
 - 10. Teleconferencing systems;
 - 11. Application software packages which result in the creation and maintenance of an operational database;
 - 12. Energy management and security monitoring systems;

13. Radio systems;
14. Office copier, imaging, and document management systems;
15. Paging systems;
16. Intercom Systems;
17. Facsimile systems
18. Consultants;
19. Support or maintenance services;
20. Related Training;
21. Software applications;
22. Web based applications;
23. Classroom Technology; and
24. Subscriptions.

In order to acquire, install, operate, and maintain this technology system, the District will conduct a high level of technology procurement activities on an on-going basis.

VI. PURCHASING POLICIES – *TECHNOLOGY*

(RATIONALE)

- B. Policy 5306 prescribes specific guidelines which bear directly on the process for procurement of technology resources. Specific guidelines that influence technology procurement are as follows:
 1. There will be a single technology system encompassing teaching, learning, and management.
 2. System design will be based on vendor-independent open system standards.
 3. Networks will integrate voice, video, and data communications systems.
 4. The data architecture will be based on an enterprise-wide network using client-server technology.
 5. Database management software will be relational and be able to run on a variety of operating systems and hardware platforms.
 6. Information will be recorded once and validated at the source.
 7. All mainframe, personal and mini-computers and peripherals will be inter-connected through network hardware and software.
 8. Technology must be kept current, within available resources, and replaced or upgraded based upon a life-cycle process.

(IMPLEMENTATION)

- C. Based upon the above Definition and Rationale, when acquiring technology, the following provisions will apply:
1. Technology procurement will be designed to minimize the total cost of ownership over the intended useful life of five - seven years, which includes but not limited to; Purchase Options (Direct Purchase vs. Lease Purchased), Acquisitions Costs, Additional Work Space Requirements, Hardware, Software, Supplies, Ongoing Maintenance & Support, Staff (FTE), Additional Staff Requirements, Consulting Services, Professional Development, Peripheral Requirements, Upgrades, Software, Equipment Upgrades/Replacement, and Project Management.
 2. Technology procurement will be based upon standards and specifications developed through the Technology Standards and Guidelines Committee process, and shall include review by the Technology Advisory Committee prior to adoption of the standards by the administration.
 3. Procurement of volatile items will have a maximum contract period consistent with industry product development cycles. Volatile items are defined as those items with significant annual cost reductions and/or product life cycles equal to or less than SBBC project cycles.
 4. The School Board, when acquiring, whether by purchase, lease, lease with option to purchase, rental or otherwise, information technology as defined in section 282.0041(15), Florida Statutes, may make any acquisition through the process as described herein or by direct negotiation and contract with a vendor or supplier, as best fits the needs of the School District as determined by The School Board.
 5. Technology purchases requiring School Board approval will identify the District's Strategic Plan for technology by the objective which applies to the purchase. Technology procurements will be consistent with Policy 5306 and the District's Strategic Plan for Technology and will utilize one or more of the following options:
 - (a). Bid/Frequent Re-bid. Using this option, specifications, projected quantities, and special conditions are developed, and vendors submit bids which are evaluated so that award recommendations can be made to The School Board. The School Board approves an award(s) which results in a short term contract. Before that contract expires, the specifications, projected quantities, and special conditions are reviewed and revised if necessary, and a new bid is released. When properly synchronized, there would be no lapse in the availability of contract awards to support the education technology program since each new bid

produces a contract that becomes effective upon the lapse of the previous contract.

- (b). Bid/RFP/Special Pricing. Using this option, a contract is used which establishes a percentage discount from manufacturers' published pricing over a longer term of award. During this term, SBBC may solicit "Best and Final Pricing" from all vendors awarded this contract. Staff evaluates the pricing received and recommends the supplier providing the greatest cost savings. The Superintendent will present the evaluation to The School Board for approval.
- (c). Direct Negotiation. Using this option, specifications, projected quantities and terms and conditions would be a basis for negotiation of a contract which best fits the needs of The School Board. The contract would be brought to The School Board for approval.
- (d). Use of Other Governmental Contracts. Using this option, contracts awarded by other governmental entities may be utilized as permitted herein.

VII. PURCHASING POLICIES – TITLE I AND HEAD START

The School Board shall permit the purchase of food refreshment for Title I and Head Start parent involvement activities as allowed by the funding source such as federal funding or grants for the purpose of parental involvement as authorized by F.S.1000.43 (2)(g)

VIII. PURCHASING POLICIES - PROTESTS ARISING FROM THE COMPETITIVE SOLICITATION PROCESS

- A. The School Board shall provide notice of its decision or intended decision concerning a bid solicitation or a contract award as follows:
 - 1. For a bid solicitation, notice of a decision or intended decision shall be given by United States mail, by hand delivery, or by electronic posting.
 - 2. For any other decision, notice of a decision or intended decision shall be given either by posting the bid tabulation at the location where the bids were opened, by certified United States mail, or other express delivery service, return receipt requested, or by electronic posting.

The notice required by this Rule shall contain the following statement: "Failure to file a protest within the time prescribed in s. 120.57(3), Florida Statutes, shall constitute a waiver of proceedings under Chapter 120, Florida Statutes."

- B. The date and time of posting the bid tabulation may be established in the bid document. Bidders will be notified by certified United States mail, other express delivery service, return receipt requested or by electronic posting of the bid posting date and time if not included in the bid documents or request for proposals, or if there is change in the bid posting date and time previously established. Any notification shall advise bidders of date and time at which bid tabulation will be posted, which date shall be at least three days, excluding Saturdays, Sundays, and days during which The School Board administration is closed, subsequent to the date that the notification is given.
- C. In the event that The School Board takes action to award a bid in a manner which differs from the posted notice of intended decision, or the last notice of intended decision if more than one notice was provided, such award does not become final until seven calendar days after The School Board action. Within two working days of such School Board action, all bidders shall be notified of the action by certified United States mail or other express delivery service, return receipt requested or by electronic posting. A written notice of protest filed by a bidder within 72 hours after receipt of this letter shall stop the award process and invoke the procedures described herein. Saturdays, Sundays, and days during which The School Board administration is closed shall be excluded in the computation of the 72-hour time period provided by this Rule.
- D. Any person who is adversely affected by The School Board's decision or intended decision shall file with The School Board a notice of protest in writing within 72 hours after the posting of the bid tabulation or after receipt of the notice of The School Board's decision or intended decision, and shall file a formal written protest within 10 days after filing the notice of protest. With respect to a protest of the specifications contained in an invitation to bid or in a request for proposals, the notice of protest shall be filed in writing within 72 hours after the receipt of notice of the project plans and specifications or intended project plans and specifications in an invitation to bid or request for proposals, and the formal written protest shall be filed within 10 days after the date the notice of protest is filed. Failure to file a notice of protest or failure to file a formal written protest shall constitute a waiver of proceedings under this chapter. The formal written protest shall state with particularity the facts and law upon which the protest is based. Saturdays, Sundays, and days during which The School Board administration is closed shall be excluded in the computation of the 72-hour time periods provided by this Rule.
- E. A written notice of decision or intended decision received in accordance with Chapter 119, Florida Statutes, or School Board Policy 1343, shall not be used as a basis for filing a notice of protest as described herein.

- F. A notice of protest or a formal written protest shall be filed with The School Board at the location described in the bid documents. A protest is filed when it is received in its entirety at the described location. It is the sole responsibility of the protestant filing the protest to be certain that the protest is properly and completely filed. The decision as to the time that the protest is filed in its entirety at the described location is solely that of The School Board. A protest may be filed by facsimile.
- G. If the tenth day in which to file a formal written protest falls on a Saturday, Sunday, or days during which the school district administration is closed, the formal written protest must be filed the next business day. For the method of computing the ten days in which a person has to file a formal written protest after the notice of protest is received, the day that the notice of protest is filed is not considered as one of the ten days.
- H. Upon receipt of the formal written protest which has been timely filed, The School Board shall stop the bid solicitation process or the contract award process until the subject of the protest is resolved by final School Board action, unless the Superintendent sets forth in writing particular facts and circumstances which require the continuance of the competitive solicitation process or the contract award process without delay in order to avoid an immediate and serious danger to the public health, safety, or welfare. When the Superintendent so notifies The School Board, then the Superintendent is authorized to continue the bid solicitation process or the contract award process and to release Purchase Orders for purchases regardless of the protest.
- I. When the contract award process is stopped due to the filing of a formal written protest, The School Board authorizes the extension of any existing contract for the goods or services contained in the bid or request for proposals being protested under whatever terms and conditions are determined by the Superintendent to be in the best interest of The School Board until such time as the new award under protest can be approved by The School Board.
- J. The School Board shall provide an opportunity to resolve the protest by mutual agreement between the parties within seven days, excluding Saturdays, Sundays, and days during which the school district administration is closed, after receipt of a formal written protest.
- K. If the subject of a protest is not resolved by mutual agreement within seven days, excluding Saturdays, Sundays, and days during which the school district administration is closed, after receipt of the formal written protest, and if there is no disputed issue of material fact, an informal proceeding shall be conducted pursuant to Chapter 120.57(2), Florida Statutes, and applicable School Board rules before a person whose qualifications have been prescribed by rules of The School Board.

- L. If the subject of a protest is not resolved by mutual agreement within seven days, excluding Saturdays, Sundays, and days during which the school district administration is closed, after receipt of the formal written protest, and if there is a disputed issue of material fact, The Board shall refer the protest to the Division of Administrative Hearings for proceedings under Chapter 120.57(1), Florida Statutes, upon the written request of the protestant. This written request by the protestant shall be filed at the same place at which the formal written protest was filed within three days, excluding Saturdays, Sundays, and days during which the school district administration is closed, after the attempt to resolve the protest by mutual agreement.

- M. When attempting to resolve the subject of a protest by mutual agreement as described in Rule L., the persons representing The School Board shall be as follows:
 - 1. The Associate Superintendent, Human Resources, or designee;
 - 2. The Chief Financial Officer (CFO), or designee;
 - 3. The Superintendent's designee(s) from the affected division; and
 - 4. The School Board Attorney or designee shall serve solely as the legal advisor.

During the seven day period described in Rule L., these persons shall meet with the protestant in an effort to mutually resolve the protest. If the protest is mutually resolved, then no further action is required by either The School Board or the protestant. If the protest is not resolved, then the protestant shall file a written request for a hearing in accordance with Rule L.

- N. Any person who files a formal written protest shall post with The School Board, at the time of filing the formal written protest, a bond, payable to The School Board of Broward County, Florida, in an amount equal to one percent (1%) of the school district's estimate of the total volume of the contract. The School Board shall provide the estimated contract amount to the vendor within 72 hours, excluding Saturdays, Sundays and other days during which the school district administration is closed. The estimated contract amount is not subject to protest pursuant to Section 120.57(3), Florida Statutes. The bond shall be conditioned upon the payment of all costs which may be adjudged against the protestant in a formal administrative hearing in which the action is brought and in any subsequent appellate court proceeding. In lieu of a bond, The School Board may accept a cashier's check, official bank check or money order in the amount of the bond. If, after completion of the administrative hearing process and any appellate court proceedings, The School Board prevails, then The School Board shall recover all costs and charges which shall be included in the Final Order or judgment, including charges made by the Division of Administrative Hearings, but excluding attorney's fees. Upon payment of such costs and charges by the protestant, the bond shall be returned. If, after completion of the Administrative Hearing process and any appellate court proceedings, the protestant prevails, the protestant shall recover all costs and charges

incurred in those formal administrative proceedings and appellate proceedings, which shall be included in the Final Order or judgment, but excluding attorney's fees.

- O. Upon receipt by The School Board of a recommended order as the result of proceedings by the Division of Administrative Hearings due to the filing of a formal written protest, then The School Board has the final decision whether to accept or reject the protest. A final order shall be entered by The School Board within 30 days of the entry of a recommended order. The provisions of this Rule may be waived upon stipulation by all parties.

IX. PURCHASING POLICIES - *FIELD TRIPS*

- A. Expenditures for field trips, other than transportation, do not require bidding by the Supply Management & Logistics Department or Board approval.
- B. All field trips shall comply with School Board Policy 6303.

AUTHORITY: F.S. 1001.41,

STATE BOARD RULE #6A 1.012

RULES ADOPTED: 3/20/75

RULES AMENDED: 7/29/76; 4/14/77; 1/18/79;

10/4/79; 7/3/80; 1/22/81:

6/16/83; 4/10/84; 6/21/84;

2/7/85; 10/1/87; 10/3/89

Emergency Rule #90-91-2 Approved: 10/16/90

Amended Rules Approved: 10/16/90; 6/18/91; 5/4/93; 9/7/93

Amended Rules Approved: 8/18/98, 12/12/00, 8/5/03, 9/9/08

SCHOOL AND DISTRICT TECHNOLOGY USAGE

THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA ADHERES TO THE BELIEF THAT TECHNOLOGY SHOULD PLAY A VITAL ROLE IN MEETING THE NEEDS OF THE BROAD RANGE OF ABILITIES, DISABILITIES, CULTURAL BACKGROUNDS AND ETHNIC POPULATIONS REPRESENTED IN DISTRICT SCHOOLS. TO ASSURE THAT TECHNOLOGY SHALL PLAY A PREDOMINANT ROLE, THIS POLICY PROVIDES GUIDANCE FOR APPROPRIATE TECHNOLOGY UTILIZATION AND INTEGRATION INTO THE CURRICULUM, AS WELL AS INFUSION INTO SCHOOL/DISTRICT ADMINISTRATION AND MANAGEMENT.

1. **Definition**

For the purpose of this policy, technology is defined as, but not limited to, the following:

- a. Instructional and staff workstations (both desktop and portable), tablets, printers, scanners and other peripherals;
- b. Administrative staff workstations (both desktop and portable), tablets, printers, scanners and other peripherals;
- c. Campus and departmental local area networks (both wired and wireless), including wiring, hubs, switches, routers, transmitters/receivers and other devices;
- d. Servers; including instructional lab servers, web servers, video servers, file and print servers, database servers, internet proxy caching servers;
- e. A Wide Area Network linking all School Board of Broward County (SBBC) sites into one countywide Intranet;
- f. Telephone systems; including primary systems, integrated voice response/management systems, automatic dialing systems;
- g. Learning resource management systems, including library automation systems;
- h. Distance learning systems;
- i. Video capturing, broadcast, receiving, and distribution systems;
- j. Teleconferencing systems;
- k. Application software packages which result in the creation and maintenance of an operational database;
- l. Energy management and security monitoring systems;
- m. Radio systems;
- n. Office copier, Printer, image scanners and document management systems;
- o. Cellular phones, PDAs, Smartphones, and similar mobile items;
- p. Paging systems;
- q. Intercom; and
- r. Facsimile systems.

2. **Purpose**

- a. To foster and support innovation and experimentation in the transformation from a traditional approach to teaching, learning, and education management to a technology-based model meeting the needs of the broad range of abilities, disabilities, cultural backgrounds, and ethnic populations represented in Broward County Public Schools.
- b. To establish and maintain guidelines and procedures for appropriate technology utilization and infusion in the classroom, in the schools, in school and district administration and management, and in planning and evaluation to more

effectively prepare students for the transition from school to work for success in the workplace, and to improve the operations of the school system.

3. Technology Guidelines

- a. The primary priority of the technology system is to improve student learning, teaching, and business efficiency.
- b. Designs will be based on vendor-independent open system standards.
- c. The network will integrate voice, data, and video communications systems.
- d. The data architecture will be based on an enterprise-wide network using client-server technology.
- e. Database management software will be relational and able to run on a variety of operating systems and hardware platforms.
- f. A common data dictionary will be established that defines data elements at all levels from the classroom to the federal government.
- g. Information management will be bi-directional, allowing data query, reporting, analysis and entry by authorized users.
- h. Information will be recorded once and validated at the source.
- i. Multi-platforms will be supported where possible.
- j. All mainframe, servers, personal computers and peripherals will be interconnected through network hardware and software.
- k. Uniform technology support services will be made available at all locations.
- l. All technology resources will be coordinated and integrated with appropriate curriculum and business initiatives.
- m. The system will be accessible to staff, students, parents, and the community for appropriate uses and protected with security measures which prevent and detect/monitor unauthorized and inappropriate use.
- n. Provisions must be made for keeping the technology current, within available resources, including policies on replacement or upgrade based on a life-cycle process.
- o. Appropriate training and professional development must be provided to teachers, staff, and administrators to ensure timely implementation and effective use.
- p. The technology must improve decision making and staff productivity.
- q. A process will be established to monitor the effectiveness of technology project implementations.
- r. Student safety, security, and compliance with all applicable laws governing public records (Florida Statute Section 1002.22 and 1002.221) are of primary concern and must be considered in the implementation of all technologies.
- s. Establishing and maintaining procedures for disabling or otherwise modifying any technology protection measures shall be the sole responsibility of the Superintendent or designee.
- t. All users of the Broward County Public Schools network must adhere to the Information Security Guidelines. The latest version of the Information Security Guidelines will be posted on <http://web.broward.k12.fl.us/techstandards>.
- u. Broward Schools' network and telecommunication services shall be properly monitored and, to the extent technically possible, users of school-sponsored telecommunication services and networks shall be protected from harassment or unsafe, unwanted, or unsolicited contact and from content deemed inappropriate.
- v. To the extent practical, and as specifically required by the Children's Internet Protection Act (CIPA), blocking shall be applied to visual and/or auditory

- depictions of material deemed obscene, violent, pornographic (child and otherwise), or any other digital material deemed harmful to minors.
- w. Steps shall be taken to promote the safety and security of the School Board of Broward County's computer and telecommunications network(s) when using electronic mail, instant messaging, blogs (macro/micro), social networks, chat services, and other forms of direct electronic communications.
 - x. Staff will be responsible for educating, supervising, and monitoring the appropriate usage of the school district's online computer and telecommunications network(s) and access to the Internet in accordance with this policy, the Children's Internet Protection Act (CIPA), the Neighborhood Children's Internet Protection Act (NCIPA), and the Protecting Children in the 21st Century Act.
 - y. Upon receipt of specific parent/guardian written permission (electronically or otherwise), students will be eligible to receive electronic communications from District employees in connection with activities outside of classroom/instruction activities. However, communications with students utilizing electronic devices, or otherwise, for fraternization purposes are strictly prohibited, except communications between parent and child. Inappropriate communications, as defined below in section 8.h., shall be prohibited. All contact and communications with students, shall be consistent with School Board policies and the Florida Code of Ethics and the Principles of Professional Conduct of the Education Profession in Florida, State Board of Education Rules 6B-1.001 and 6B-1006, F.A.C., which require, among other things, that the primary concern always be for the well-being of the student and to "exercise the best professional judgment and integrity."
 - z. All use of cellular equipment and services provided by SBBC must be in accordance with the provisions of the Public Records Act (Florida Statute Section 119) and Standard Practice Bulletin, A-469, "Cellular Telephone Access and Usage".
 - aa. Suitable training shall be provided to students regarding appropriate online behavior, including interacting with other individuals on social networking websites and in chat rooms and cyberbullying awareness and response.
 - ab. Access to District Networks, applications, and systems shall be discontinued upon termination of employment except in situations where continued access is required by board-approved agreements, School Board policies, state statutes, or federal laws.

4. Desired Outcomes

- a. Technology will be appropriately and equitably integrated into instruction and management processes and used by all students and staff as an integral component of school improvement and student success. Improving student performance and achievement, increasing staff productivity, and ensuring efficiency of the day-to-day operations of the school system are the essential reasons for the use of technology in Broward County Public School System.
- b. Technology will be procured and deployed as needed to meet state and federal legislative mandates.
- c. All school classrooms, media centers, and offices and all district departments and offices will be electronically networked (wired and/or wireless) and equipped, providing all staff, students, and administration equitable and easy access to information technologies for teaching, learning, management, and day-to-day operations.

- d. All high school graduates will be prepared to use multiple technologies upon entrance into the work force and/or higher education.
- e. New and emerging technologies will be evaluated, and if appropriate, incorporated into school curriculum and will be integral elements of school improvement and accountability.
- f. Organizational productivity and efficiency will increase as technology is infused into the workplace.
- g. Student, teacher, staff, and administrative effectiveness will improve concurrently with the infusion of technology into their respective workplaces.
- h. The Broward County community will recognize district schools and departments as resources; and the number and quality of partnerships and cooperative endeavors will increase.
- i. The decision-making process will be improved as technology facilitates the flow of information and the communication process, within the district, the state, and the world.
- j. Improved communication between schools and institutions of higher education will increase the sharing of best practices as well as enhance pre-service and in-service training and emphasize technology integration into the curriculum.
- k. Inter- and intra-departmental collaboration, from planning through evaluation, will be a goal of the District.
- l. All units responsible for technology planning will work collaboratively with county, state, and government groups to investigate current, advanced, and emerging commercial technologies and to identify or develop, if necessary, efficient and cost-effective applications.
- m. The broadest possible access to the School Board of Broward County's web-based educational resources will be promoted, while providing safeguards to ensure the safety of students and that security is maintained. Towards this desired outcome, The School Board of Broward County, Florida, will support programs designed to bridge the Digital Divide.
- n. Technology will be used to build and maintain communications links between SBBC and its parental and community stakeholders. (e.g. Instant Messaging, Social Media, blogs and micro blogs, mobile applications, telephone contact systems, etc.). The use of these media, however, must be in compliance with the Florida Retention Schedules (<http://dlis.dos.state.fl.us/barm/genschedules/GS1-SL.pdf>).

5. Implementation

A comprehensive and continuous short and long-range Board technology implementation process will direct, review, evaluate, and improve the effective utilization of all aspects of technology.

- a. The Superintendent will direct staff to:
 1. Consult and collaborate on a continuing basis with education, business, community, and government groups locally, regionally, and nationally.
 2. Identify student competencies in using technologies to access, analyze, apply, and communicate information and incorporate them into the Standards of Service.
 3. Identify staff competencies in integrating and applying information technologies in instruction and management and incorporate these competencies as part of the evaluation process.
 4. Identify educational management tools to be acquired and implemented.

5. Establish and continually update an ongoing staff development program to support technology usage and integration.
6. Establish baseline standards to ensure that all schools and offices have adequate, appropriate and up to date hardware, software, and communications capabilities as rapidly as resources permit.
7. Review and/or establish guidelines as needed on copyright, acceptable use, and other ethical use policies.
8. Identify, document, and evaluate core processes that need improvement or re-engineering to maximize the productivity and educational benefits from technology investments.
9. Prepare a viable timeline for task implementation and completion, which will assist in evaluating the progress and effectiveness of the district's technology plan.

6. Acceptable use of Computer Network and Online Telecommunications

Individuals who use District-owned or leased technology, applications, networks, or telecommunications infrastructure and systems agree to abide by the terms and tenets of this policy. The School Board of Broward County does not warrant network or telecommunications functionality or accuracy of information, nor does it warrant the effectiveness of Internet filtering. No expectation of privacy is created or intended to be created by this Policy. Users of systems, networks, and telecommunications systems must recognize that all content created or stored utilizing District technology may be subject to monitoring for compliance with School Board policies and applicable laws.

a. Goals for Technology use and Internet Safety

1. Prevent user access over its computer and telecommunications network(s) to, or transmission of, inappropriate material via Internet, electronic mail, instant messaging systems, social networks, or other forms of direct electronic communications;
2. Prevent unauthorized access or other unlawful online activity including, but not limited to, the "hacking" of systems within and outside of the District's enterprise;
3. Prevent unauthorized online disclosure, use, alteration, or dissemination of personally identifiable information of students or confidential information of staff;
4. Comply with the Children's Internet Protection Act (CIPA); the Neighborhood Children's Internet Protection Act (NCIPA); the Protecting Children in the 21st Century Act, the Public Records Act (Florida Statute Section 119), and all applicable laws;
5. Prevent the use of its computer and telecommunications network(s) for the purpose of harassment, unlawful discrimination, cyberbullying, cyberstalking and other unlawful activities; and
6. Protect students and staff from inappropriate (as defined in 8h), unlawful or unauthorized communications from individuals, including School Board employees.

b. Rules

1. All use of telecommunication services and networks provided by the District or used in any of its schools or departments shall be consistent with Federal laws, Florida laws, the Florida Department of Education “Code of Ethics of the Education Profession in Florida” (Rule 6B-1), and the “Code of Ethics for Computer, Network and On-line Telecommunications Users” (see next section).
2. Successful participation in a network requires that its users regard it as a shared resource and that members conduct themselves in a responsible, safe, ethical, and legal manner while using the network and all accessible applications and digital resources.
3. Staff and students who are exchanging communication with others inside and outside the District are representing The School Board of Broward County, Florida, and should conduct themselves appropriately.
4. Technology owned or leased by the School Board shall not be used for advertising or otherwise communicating or promoting the interests of any commercial, religious, political or other non-district agency or organization except as permitted through board approved agreements, School Board policies, state statutes, or federal laws.
5. Anyone using personally owned technology devices and/or telecommunications services on property owned by the School Board of Broward County must do so in accordance with the terms and tenets of this policy and the published “Personally Owned Device Guidelines”. The latest version of the “Personally Owned Guidelines” will be posted on <http://web.broward.k12.fl.us/techstandards>.
6. To implement the Acceptable Use Provision of this policy, it is necessary that all users read and acknowledge in writing that they understand their obligations and willingness to comply with the "Code of Ethics for Computer Network and Online Telecommunications Users" (see below).
7. Student use of technology shall be consistent with the provisions and tenets of this policy and the “Student Code of Conduct”.
8. Use of technology shall be consistent with the tenets and provisions of the District’s “Social Media Use Guidelines” and the “Web-Publishing Guidelines”.

c. Code of Ethics for Computer Network and Online Telecommunications Users

1. All users are expected to read and understand the following privileges, rights, and responsibilities when using the network(s) or telecommunications equipment or systems of Broward County public schools.
 - a. Use of computer network and/or online telecommunications is a privilege and must support teaching, learning, and research.
 - b. Students, parents, faculty, and staff in Broward County Public Schools will have access to web-based educational resources in compliance with local, state and federal laws.
 - c. Authorized users shall be ultimately responsible for all activity under their account and password. Accounts shall be used only by the authorized user and only for the purposes specified.

- d. Use of an identity or password other than the user's own is prohibited.
- e. All network users shall adhere to the rules of copyright regarding software, information, and the attribution of authorship. Posting or re-posting any content or material protected by copyright or other intellectual property laws without the author's permission and/or without proper attribution is prohibited.
- f. Any use of telecommunication services or networks for illegal, inappropriate, obscene, or pornographic purposes shall be prohibited.
- g. The use of the District Technology is provided to assist employees in the efficient delivery of public services to the community. Accordingly, the District Technology must be used for purposes consistent with the District's mission and policies.
- h. Use of School Board technology for or engaging in offensive or inflammatory speech, profanity, or obscene language shall be prohibited.
- i. Hate mail, harassment, discriminatory remarks, and other antisocial behaviors shall be prohibited.
- j. Users shall not intentionally spread computer viruses, vandalize the data, infiltrate systems, damage hardware or software, or in any way degrade, interfere or disrupt the use of the network, applications or telecommunications systems, or those belonging to external entities.
- k. Attempts to interfere, degrade or disrupt system performance will be subject to disciplinary action and/or may be viewed as criminal activity in accordance with applicable state and federal law and, if so, will be reported to law enforcement agencies.
- l. Files, documents, materials, and records generated by District employees using School Board of Broward County property, equipment, facilities, and/or systems are the property of the School Board of Broward County and may be accessed at any time by appropriate authorized system personnel.
- m. Records, as defined in Florida Statute Section 119.011(12), generated by District employees using School Board of Broward County property and made or received in connection with the transaction of official business of the School Board (including emails and text messages) must be retained and maintained as public records in compliance with State Law and Board Policy. All business-related email correspondence must utilize the District's email system. Text messaging is permitted solely for the purpose of exchanging transitory messages.
- n. All e-mails created by District employees using School Board of Broward County property must be in compliance with the District's E-Mail Guidelines, which can be found at www.web.broward.k12.fl.us/techstandards.
- o. Equipment, networks or systems owned and/or operated by the School Board of Broward County may not be used for the purpose, intended or otherwise, of harassment, "cyberbullying", "cyberstalking" or Dating Violence or Abuse.

7. Compliance

- a. Students, employees, and community members/visitors using School Board equipment, networks, or telecommunications infrastructure or systems, on-site or off-site, must conform to the requirements of this policy.
- b. Failure to adhere to, and conform online activities with, any provisions of this policy may subject users to some or all of the following: warnings, usage restrictions, disciplinary actions, or legal proceedings.

8. Definition of Terms

- a. Illegal activities shall be defined as a violation of local, state, and/or federal laws.
- b. Inappropriate use shall be defined as a violation of the intended use of the District's mission, goals, policies, or procedures.
- c. Obscenity and/or pornography shall be defined as a violation of generally accepted social standards for use of a publicly-owned and operated communication vehicle.
- d. Harmful to minors means any picture, image, graphic image file, or other visual depiction that-- (a) taken as a whole and with respect to minors, appeals to a prurient interest in nudity, sex, or excretion; (b) depicts, describes, or represents, in a patently offensive way with respect to what is suitable for minors, an actual or simulated sexual act or sexual contact, actual or simulated normal or perverted sexual acts, or a lewd exhibition of the genitals; and (c) taken as a whole, lacks serious literary, artistic, political, or scientific value as to minors.
- e. Sexual Act; Sexual Contact have the meanings given such terms in section 2246 of title 18, United States Code.
- f. Dating Violence or Abuse is defined in School Board Policy 5010.
- g. Harassment, cyberbullying and cyberstalking are defined in School Board Policy 5.9.
- h. "Inappropriate communication" is defined as:
 - (i) a communication which is harmful to minors,
 - (ii) a communication that is inconsistent with the School Board Policies, federal or state laws, or the Code of Ethics for the Education Profession in Florida (which requires the exercise of the best professional judgment and integrity and the highest degree of ethical conduct), or
 - (iii) a communication with a minor student, through the use of District Technology or the use of personally-owned technology devices and/or telecommunication services, that is not related to school connected activities/assignments and that is made without parental permission to do so.
- i. Transitory messages are not intended to formalize or perpetuate knowledge and do not set policy, establish guidelines or procedures, certify a transaction, or become a receipt. "Transitory" refers to short-term value based upon the content and purpose of the message, not the format or technology used to transmit it. Examples of transitory messages include, but are not limited to, reminders to employees about scheduled meetings or appointments; most telephone messages and announcements of events.

Statutory authority: 1001.41

Laws Implemented: 1001.43 (3) (a), Public Records Act (Florida Statute Section 119), Children's Internet Protection Act (CIPA), the Neighborhood Children's Protection Act (NCIPA), the Protecting Children in the 21st Century Act.

Policy adopted: 8/6/96

Policy Amended: 2/17/98, 12/15/98, 5/1/01, 3/4/03, 4/29/03, 1/18/05, 8/3/10, 5/30/12

Technology Advisory Committee

A BROWARD COUNTY SCHOOLS TECHNOLOGY ADVISORY COMMITTEE SHALL BE ESTABLISHED.

A. PURPOSE

The Technology Advisory Committee will:

- Provide strategic input, advice, assistance and recommendations in the procurement and implementation of technology.
- Ensure alignment with The School Board of Broward County, Florida's Mission and Goals along with all documents that govern the use of technology in The Broward County Public School (BCPS) system.
- Maintain strategic relationships/communications with all BCPS departments and divisions involved in systemic technology related initiatives and procurements, as identified in district flowcharts.
- Play a significant role in the planning, implementation, and evaluation of current and new technology initiatives, especially those related to all documents that govern the use of technology in BCPS (i.e. District Technology Strategic Plan) in order to provide recommendations to The School Board of Broward County, Florida.

B. MEMBERSHIP

1. Membership of the Technology Advisory Committee (TAC) shall be as specified in the Technology Advisory Bylaws.
2. The TAC will elect Chair from the full TAC membership to a term of one (1) year. The Chair is to be a non school-based employee.
3. Executive Leadership Team member or appointee, at Director level or above, shall attend all TAC meetings in a non-voting capacity.
4. Technology Advisory Committee members shall be elected/appointed for one (1) year and may be elected/appointed for additional terms. Members nominated by various selection/source groups should have an expertise in technology and issues related to technology. Appointment of School Board member representatives to TAC shall follow School Board Policy 1.7.

5. Any member may resign by filing a written resignation addressed to the Chair of the Technology Advisory Committee. Any vacancy of the Technology Advisory Committee shall be filled for the remainder of the unexpired term through election/appointment, by the electing/appointing entity.
6. Conflict of Interest Policy: Any possible conflict of interest on part of any Member must be disclosed to the Technology Advisory Committee and made a matter of record. A conflict of interest is defined as a direct, indirect or perceived interest, usually financial, in any outside entity, which may affect or be interpreted as affecting a Member's judgment or conduct in matters which impact the Technology Advisory Committee's business.

Any Member having a conflict of interest or possible conflict of interest on any matter shall disclose the conflict and shall not vote on the matter. The minutes of the meeting shall reflect that a disclosure was made and an abstention from voting.

The Member should limit his or her participation by briefly stating his or her position in the matter and answering pertinent questions of other Members since his or her knowledge may be of great assistance concerning the matter at hand. It is not the intent of the policy to exclude those Members who provide services of great importance and/or value or to be prevented from participating as an active member of the Technology Advisory Committee.

All new Members must be advised of this policy at their first meeting of the Technology Advisory Committee and they will be required to acknowledge that they have read and received a copy of the committee's Policy and By-Laws.

7. All members of TAC shall be officially approved by The Broward County School Board.

C. DUTIES

The Technology Advisory Committee will:

1. Provide strategic input, advice, and assistance in the procurement and implementation of technology in accordance with the School and District Technology Usage Policy (5306)
2. Receive feedback about the acceptance (or non acceptance) of all its recommendations, and the need for possible revisions, from the Executive Leadership Team member, within a specified time established by TAC.

3. Play a strategic role in district and department processes, and will be positioned in the district's flowcharts regarding technology initiatives.
4. Be actively involved in the planning for existing and new systemic technology initiatives especially those related to all documents that govern the use of technology in BCPS (i.e. District Technology Strategic Plan). This will include planning for the modification of the documents that govern the use of technology in BCPS (i.e. District Technology Strategic Plan), and to plan for the next five to 10 years.
5. Develop an annual report of the accomplishments of its current goals, and provide projected goals for the following year. These goals will align with the District Strategic Plan and District Technology Plan. The Superintendent's District Technology Oversight Committee will provide direction, monitor goals, and provide feedback on recommendations. The TAC shall report to the Technology Oversight Committee on an as needed basis.
6. Act in an advisory capacity only and will not conflict with any of the powers and duties reserved by law, policy, or administrative guidelines to the School Board or Superintendent of Schools.

D. MEETINGS and ATTENDANCE

1. The Technology Advisory Committee shall meet regularly once each month during the school year.
2. The Technology Advisory Committee must conduct meetings in accordance with the Florida Sunshine Law and Roberts Rules of Order, Newly Revised.
3. Any member who misses three (3) consecutive meetings or four (4) absences in one calendar year shall be removed from TAC. The individual/group that originally appointed/elected the affected member shall appoint/elect a replacement to the TAC.
4. All Technology Advisory Committee meetings must be scheduled and officially advertised in advance.
5. Special meetings shall be scheduled at least three (3) calendar days in advance.

Authority: F.S. 1001.41 (1) (2)

Policy Adopted: 08 /03 /2010

Ethics Outline 1: General Requirements for All School District Employees
(Office of the General Counsel – January 25, 2018 Edition)

This outline contains information regarding the ethics provisions and disclosure requirements that apply to all school district employees due to state law School Board policies. Additional ethics provisions and disclosure requirements may also apply to employees known as “reporting individuals.”

NOTE: The requirements in this outline apply to all school district employees. If you have purchasing authority, you are subject to additional ethics requirements. If you have any amount of purchasing authority, you must also review Ethics Outline 2. If you have purchasing authority in excess of \$1,000, you must also review both Ethics Outlines 2 and 3. If you have purchasing authority in excess of \$20,000, you must also review Ethics Outlines 2, 3 and 4. This outline does not address any additional ethical responsibilities that may apply to an employee due to a professional license or certificate. In addition, this outline is limited in the subject matter addressed and there may be other requirements that employees must satisfy due to other laws, rules or contractual requirements.

I. State Ethics Requirements for all School District Employees

The Code of Ethics for Public Officers and Employees (“Florida Code of Ethics”)(Chapter 112, Florida Statutes) includes certain ethics requirement that apply to all school district employees. This initial part of the outline will focus upon those portions of the Florida Code of Ethics that apply to all district school employees.

A. **State Prohibition of the Solicitation or Acceptance of Gifts:** You **MAY NOT** solicit or accept anything of value to you, including a gift, loan, reward, promise of future employment, favor or service, based upon any understanding that your vote, official action or judgment would be influenced thereby. (See: Section 112.313(2), Florida Statutes, – part of the Florida Code of Ethics).

B. **State Prohibitions upon Purchases Made for the School District:** When acting in your official capacity as a purchasing agent, you **MAY NOT** either directly or indirectly purchase, rent or lease any realty, goods or services for the school district from any business entity of which **you or your spouse or child** is an officer, partner, director, or proprietor or in which you or your spouse or child, or any combination of them, have a material interest. (See: Section 112.313(3), Florida Statutes, - part of the Florida Code of Ethics).

C. **State Prohibition of Selling, Leasing or Renting to the School District:** You **MAY NOT** sell, lease or rent any goods, services or realty to the school district which includes your school, your department, and any other school or department within the school district. (See: Section 112.313(3), Florida Statutes – part of the Code of Ethics).

D. **State Prohibition of Unauthorized Compensation:** You **AND** your spouse or **minor child** **MAY NOT**, at any time, accept any compensation, payment, or thing of value when you know, or with the exercise of reasonable care should know, that it was given to influence a vote or other action in which you were expected to participate in your official capacity. (See: Section 112.313(4), Florida Statutes, - part of the Florida Code of Ethics).

E. **State Prohibition of Misuse of Public Position:** You **MAY NOT** corruptly use or attempt to use your official position or any property or resource that may be within your trust, or perform your official duties, to secure a special privilege, benefit, or exemption for you or others. (See: Section 112.313(6), Florida Statutes, - part of the Florida Code of Ethics).

F. **State Prohibition of Conflicting Employment:** You **MAY NOT** have or hold any employment or contractual relationship with any business entity or any agency which is doing business with the school district or is subject to the regulation of The School Board (excluding those organizations and their officers who, when acting in their official capacity, enter into or negotiate a collective bargaining contract with The School Board). (See: Section 112.313(7)(a), Florida Statutes, - part of the Florida Code of Ethics).

G. **State Prohibition of Conflicting Contractual Relationship:** You **MAY NOT** have or hold any employment or contractual relationship that will create a continuing or frequently recurring conflict between your private interests and the performance of your public duties or that would impede the full and faithful discharge of your public duties. (See: Section 112.313(7)(a), Florida Statutes, - part of the Florida Code of Ethics).

H. **State Prohibition of Disclosure or Use of Certain Information:** You **MAY NOT** disclose or use information not available to members of the general public and gained by reason of your official position, except for information relating exclusively to governmental practices, for your personal gain or benefit or for the personal gain or benefit of any other person or business entity. (See: Section 112.313(8), Florida Statutes, - part of the Florida Code of Ethics).

I. **State Prohibition of Employees Holding Office as School Board Member:** You **MAY NOT** hold office as a member of The School Board while, at the same time, continuing as an employee of the school district. (See: Section 112.313(10)(a), Florida Statutes, - part of the Florida Code of Ethics).

II. School Board Policy 5202 – Gifts: Solicitation and Receipt for all School District Employees

School Board Policy 5202 also applies to all school district employees. It includes the following requirements:

A. **District Prohibition of Improper Influence:** You **MAY NOT** solicit or accept anything of value, including a gift, loan, money, credit, entertainment, reward, promise of future employment, favor or service, based upon any understanding that your vote, official action or judgment would be influenced thereby. You are permitted to accept gifts of appreciation or gratitude from parents such as holiday/seasonal gifts, birthday gifts, or gifts at the end of the school year so long as they are not based upon an expectation that you will be influenced by the gift.

B. **District Rules for Gifts or Gratuities – Employees:** Section 3 of School Board Policy 5202 also prohibits you from accepting any gift or gratuity from any person, vendor, potential vendor or other entity doing business with the school district when such gift or gratuity is provided to influence the performance of your official duties. The rule expressly exempts fund-raising activities, but such activities are subject to the requirements of School Board Policy 6206.

C. **District List of Prohibited Gifts and Gratuities.** The following prohibited gifts and gratuities are listed, without limitation, in Section 3 of School Board Policy 5202:

- Invitations to meals and functions;
- Complimentary admissions to entertainment programs or sporting events;
- Tangible gifts of appreciation;
- Cash and other financial contributions; and
- Donations of stocks and bonds.

D. **District Requirement – Return of Prohibited Gifts.** Section 4 of School Board Policy 5202 requires you to return any prohibited gifts to the donor along with an explanation for its return. Prohibited gifts that are perishable may either be returned to the donor or donated to a charity in the name of the original donor.

E. **District Exception for Business Conference Items.** Section 3 of School Board Policy 5202 permits you to accept beverages, snacks, notepads, pens or similar items commonly offered to guests at a business conference.

F. **District Exception for Food and Beverages.** Except as otherwise prohibited under the policy, Section 3 of School Board Policy 5202 permits you to accept food and beverages costing no more than \$100 provided at a single sitting or meal during the performance of their duties from any person, vendor, potential vendor or other entity doing business with the school district.

G. **District Exception for Performance Awards and Donated School Supplies.** Section 3 of School Board Policy 5202 permits you to accept gifts and awards (including, but not limited to, testing incentives, teacher of the year awards, school supplies, and items donated by school business partners) provided during the performance of your duties by a vendor, potential vendor, or other person doing business with the school district for participation in valid educational programs if such gifts and awards are approved in advance by the Superintendent of Schools or his/her designee.

H. **District Exception for Temporary Custody of Donations.** You may accept a gift on behalf of the school district, provided that custody of the gift is not maintained for any period of time beyond that reasonably necessary to arrange for the transfer of custody and ownership of the gift to the school district or to a charitable organization in accordance with Section 112.3148(4) or (5), Florida Statutes.

I. **District Restrictions on Business Travel Expenses.** Section 5 of School Board Policy 5202 provides that you **MAY NOT** accept transportation, lodging, or related travel expenses for the purpose of making a presentation, attending a conference, or inspecting products or programs that may be of interest to the school district from any vendor, potential vendor or other person doing business with the school district. If any such trips are deemed necessary by the school district, they shall be approved in advance by the Superintendent of Schools or his/her designee and shall be made at school district expense. However, a vendor, potential vendor or other person doing business with the school district may make reimbursement **to the school district** for your travel expenses incurred with regard to the approved trip.

J. **District Restrictions of Merchandise or Discounts.** Section 6 of School Board Policy 5202 prohibits you from accepting a personal discount on merchandise or services from a vendor, potential vendor, or other person doing business with the school district unless that same rate of discount is openly offered to all school district employees or arises under a contract between the school district and the provider of the discount.

K. **Special District Rules for Publishers.** School Board Policy 6308 delineates rules for publishers, textbook adoption committees and district staff regarding gifts, food, money, emoluments, entertainment, employment or other valuables.

If additional information is needed, please direct any questions to your supervisor.

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Ethics Outline 2: Requirements for All School District Employees
Having Any Purchasing Authority (any Amount)
(Office of the General Counsel – January 25, 2018 Edition)

This outline contains information about the ethics provisions and disclosure requirements that apply to all school district employees having any amount of purchasing authority.

NOTE: The requirements in this outline are IN ADDITION TO the general ethics provisions and disclosure requirements that apply to all school district employees (see: Ethics Outline 1). If a school district employee has the authority to make any purchase in excess of \$1,000, that employee must also review Ethics Outline 3 that addresses requirements under School Board Policy 5202. If a school district employee has been given the authority to make any purchase in excess of \$20,000, that employee must also review Ethics Outline 4 which addresses the ethical and disclosure requirements under state law for a class of employees known as “reporting individuals.” Please note that an employee may also have additional specialized ethical responsibilities due to a professional license or certificate. In addition, the subject matter addressed in this outline is limited in scope and employees may need to comply with additional requirements due to other laws, rules or contractual requirements.

If additional information is needed, please direct any questions to your supervisor.

School Board Policy 3320 – All School District Employees
Authorized to Purchase (any Amount)

Part II, Section HH of School Board Policy 3320 sets forth the following ten (10) ethical rules or standards applicable to school district employees having the authority to make purchases in any amount:

1. Comply with the Code of Ethics for Public Officers and Employees to the extent applicable to the school district’s purchasing personnel [See Ethics Outline 1 and, if you are authorized to make purchases in excess of \$20,000, See also Ethics Outline 4].
2. Grant all vendors equal consideration insofar as state and federal laws and The School Board of Broward County, Florida’s policies permit.
3. Strive to obtain the maximum value for each dollar of expenditure.
4. Decline personal gifts or gratuities in exchange for favorable consideration [this is also prohibited by Section 112.313(2) and (4), Florida Statutes, - part of the Florida Code of Ethics; and Section 2 of School Board Policy 5202].
5. Conduct business with potential and current suppliers in an atmosphere of good faith, devoid of intentional misrepresentation.
6. Demand honesty in sales representation whether offered through the medium of a verbal or written statement, an advertisement, or a sample of a product.
7. Strive consistently to increase the knowledge about the goods and services purchased.

8. Make every reasonable effort to obtain an equitable and mutually agreeable settlement of any controversy with a vendor, insofar as applicable law and The School Board of Broward County, Florida's policies permit.
9. Accord a prompt and courteous reception, insofar as conditions permit, to all who communicate with the school district on legitimate business missions, whether by letter or e-mail, by telephone, or in person.
10. Cooperate with professional associations and governmental agencies for the purposes of promoting and developing sound business practices.

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Ethics Outline 3: Requirements for School District Employees
With Purchasing Authority in Excess of \$1,000
(Office of the General Counsel – January 25, 2018 Edition)

This outline contains information regarding the ethics requirements of School Board Policies 5202 that apply to school district employees having the authority to make purchases in excess of \$1,000.

NOTE: The requirements in this outline are IN ADDITION TO the general ethics provisions and disclosure requirements that apply to all school district employees (see: Ethics Outline 1) and to all school district employees having any amount of purchasing authority (see: Ethics Outline 2). If a school district employee has been given the authority to make any purchase in excess of \$20,000, that employee must also review Ethics Outline 4 which addresses the ethical and disclosure requirements under state law for a class of employees known as “reporting individuals.” Please note that an employee may also have additional specialized ethical responsibilities due to a professional license or certificate. In addition, the subject matter addressed in this outline is limited in scope and employees may need to comply with additional requirements due to other laws, rules or contractual requirements.

If additional information is needed, please direct any questions to your supervisor.

I. School Board Policy 5202 –Restrictions imposed upon School District Employees having Purchasing Authority Exceeding \$1,000 Per Year

A. **School Board Policy 5202.** Rule 7 of School Board Policy 5202 requires each procurement employee or reporting individual to “comply with the limitations upon the solicitation and receipt of gifts” contained in Section 112.3148, Florida Statutes, - part of the Florida Code of Ethics. Note: if you are a reporting individual, you were already subject to those requirements by operation of state law.

B. **Who is a “procurement employee” under School Board Policy 5202?** Section 7 of School Board Policy 5202 defines “procurement employees” to mean any school district employee who participates through decision, approval, disapproval, recommendation, preparation of any part of a purchase request, influencing the content of any specification or procurement standard, rendering of advice, investigation, or auditing or in any other advisory capacity in the procurement of contractual services or commodities as defined in Section 287.012, Florida Statutes, if the cost of such services or commodities exceeds \$1,000 in any year.

C. **Can a “procurement employee” REQUEST a gift from a vendor, a lobbyist or a lobbyist’s principal?** No. The limitations upon the solicitation of gifts under Section 112.3148, Florida Statutes, prohibit a “procurement employee” from soliciting any gift (regardless of value) from (1) a vendor doing business with the school district; (2) a lobbyist who lobbies the school district; or (3) the partner, firm, employer, or principal of such a lobbyist, where such gift is for the personal benefit of (a) the “procurement employee”; (b) another reporting individual or “procurement employee”; or (c) any member of the immediate family of a reporting individual or “procurement employee.”

D. **Can a “procurement employee” ACCEPT a gift worth more than \$100 from a vendor, a lobbyist or a lobbyist’s principal?** No. The limitations upon the receipt of gifts under Section 112.3148, Florida Statutes, prohibit a “procurement employee” from accepting a gift worth more than \$100 from a vendor, a lobbyist or a lobbyist’s principal. However, Rule 7 of School Board Policy 3320 permits a “procurement employee” may accept a gift valued in excess of \$100 on behalf of the school district or a charitable organization, provided that the person receiving the gift promptly transfers custody and ownership of the gift over to the school district or to a charitable organization.

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Ethics Outline 4: Requirements for School District Employees
With Purchasing Authority in Excess of \$20,000
(Office of the General Counsel – January 25, 2018 Edition)

This outline contains information regarding the ethics requirements of the Code of Ethics for Public Officers and Employees (“Florida Code of Ethics”)(Chapter 112, Florida Statutes) that apply to school district employees having the authority to make purchases in excess of \$20,000.

NOTE: The requirements in this outline are IN ADDITION TO the general ethics provisions and disclosure requirements that apply to all school district employees (see: Ethics Outline 1); the ethics requirements under School Board Policy 3320 for school district employees having any purchasing authority (see: Ethics Outline 2); and the ethics requirements under School Board Policy 5202 for school district employees having the authority to make any purchase in excess of \$1,000 (see: Ethics Outline 3). Please note that an employee may have additional specialized ethical responsibilities due to a professional license or certificate. In addition, the subject matter addressed in this outline is limited in scope and employees may need to comply with additional requirements due to other laws, rules or contractual requirements.

If additional information is needed, please see the resources described in the outline or direct any questions to your supervisor.

Special State Ethics Requirements for Reporting Individuals

What is a “reporting individual?” In general, a “reporting individual” under the Florida Code of Ethics for Public Officers and Employees (“Florida Code of Ethics”) is anyone authorized to make any purchase exceeding \$20,000 on behalf of the school district. (See: Section 112.3145(1)(a)3, Florida Statutes). This status applies regardless of your job title if you have such purchasing authority and does not only apply to people with job titles as purchasing agents. (See: Form 1 – Statement of Financial Interests).

How do I know if I am a “reporting individual?” You are a reporting individual if you have the authority to make a purchase in excess of \$20,000 – regardless of whether you exercise that authority or not and regardless of the source of the funds expended. The Superintendent of Schools is authorized by Section 112.3145(8)(a) and (b), Florida Statutes, to designate a person to notify each newly employed or assigned school district employee, not later than the date of employment or assignment, of the employee’s duty to comply with the financial disclosure requirements of Form 1 – Statement of Financial Interests.

A. Form 1 - Statements of Financial Interests

1. **Reporting Individuals must file Statements of Financial Interests.** Section 112.3145(1)(a)3, Florida Statutes, of the Florida Code of Ethics requires reporting individuals to file a Statement of Financial Interests using COE Form 1 – Statement of Financial Interests. (See: Appendix 1). Among other things, a Form 1 – Statement of Financial Interests requires a reporting individual to disclose his or her primary sources of income, secondary sources of income, real property, intangible property, liabilities and interests in specified businesses. **Detailed information about what must be reported and how to report is provided in the instructions contained within Form 1.**

2. **How do I get a copy of Form 1 – Statement of Financial Interests?** Copies of any form required by the Florida Code of Ethics may be downloaded from the website of the Florida Commission on Ethics at <http://www.ethics.state.fl.us/> In addition, the school district reports the names of all reporting individuals to the Broward County Supervisor of Elections who then annually mails out Form 1 – Statement of Financial Interests to each person required to file the form.

3. **When does a Reporting Individual file his or her Statement of Financial Interests?** Form 1 must be filed by reporting individuals **within 30 days of their employment or assignment** to a position that has authority to make purchases in excess of \$20,000 for the school district. Thereafter, each reporting individual must file a Form 1 by July 1 following each calendar year in which they hold their positions. In addition, a reporting individual must file a final copy of Form 1 **within 60 days after leaving his or her position** for the period between January 1 of the year in which the person leaves and the last day of employment (unless the person is taking another public position that will also require him or her to file a Form 1).

4. **Where do I file my Statements of Financial Interests?** School Board employees who are also reporting individuals must file their Form 1 - Statements of Financial Interests with the Broward County Supervisor of Elections, 115 South Andrews Avenue, Room 102, Fort Lauderdale, FL 33301.

5. **What if I don't have any financial interests that require disclosure?** Section 112.3145(3), Florida Statutes, of the Florida Code of Ethics requires reporting individuals to file a Form 1 - Statement of Financial Interests even if the reporting individual holds no financial interests requiring disclosure, in which case the statement shall be marked "not applicable."

6. **Can I obtain professional assistance in the preparation of my Form 1?** Yes. Section 112.3145(11)9a), Florida Statutes, of the Florida Code of Ethics permits a reporting individual to have an attorney in good standing with The Florida Bar or a certified public accountant prepare Form 1. However, the expense of such professional assistance shall be solely borne by the reporting individual and **will not** be paid or reimbursed by The School Board.

7. **What if I fail to timely file my Statement of Financial Interests?** If the annual form is not filed or postmarked by September 1, an automatic fine of \$25 for each day late will be imposed, up to a maximum penalty of \$1,500. Failure to file may also result in removal from public employment, demotion, reduction in salary, reprimand or a civil penalty not exceeding \$10,000. (See: Section 112.3145(7)(f), Florida Statutes). A reporting individual **will also** be subject to such fines if the initial and final Statements of Financial Interests are not timely filed. If you are a reporting individual and your name **is not** on the mailing list maintained by the Broward Supervisor of Elections of persons required to file an annual statement of financial interests, you are not subject to these fines or penalties but still are required to file the disclosure statement. (See: Section 112.3145(7)(g), Florida Statutes).

8. **What if I fail to make a required disclosure?** A failure to make any required disclosure constitutes grounds for and may be punished by one or more of the following: removal or suspension from employment, demotion, reduction in salary, reprimand, or a civil penalty not exceeding \$10,000. (See: Section 112.317, Florida Statutes).

**B. Disclosure of Business Interests by Reporting Individuals
under the Florida Code of Ethics**

1. **Business Interest Disclosure Requirements.** If you are a reporting individual required to file Form 1 – Statement of Financial Interests, you are subject to Section 112.3145, Florida Statutes, of the Florida Code of Ethics which requires you to disclose certain positions or ownership interests in **specified** types of businesses.

2. **What ownership interests must be disclosed?** Disclosure of an ownership interest is required if a reporting individual owned (either directly or indirectly in the form of an equitable or beneficial interest) more than 5% of the total assets or capital stock of one of the types of businesses listed below at any time during the disclosure period:

- state and federally chartered banks;
- state and federal savings and loan associations;
- cemetery companies;
- insurance companies;
- mortgage companies;
- credit unions;
- small loan companies;
- alcoholic beverage licensees;
- pari-mutuel wagering companies;
- utility companies;
- entities controlled by the Public Service Commission; and
- entities granted a franchise to operate by either a city or a county government.

3. **What positions must be disclosed?** A reporting individual must disclose any position held during the disclosure period as an officer, director, partner, proprietor or agent (other than a resident agent solely for the service of process) for each of the types of businesses listed above.

4. **How do I provide the required disclosure of business interests?** This is accomplished by completing Part F of Form 1 – Statement of Financial Interests. Form 1 provides additional instructions about completing Part F.

5. **What if I fail to make a required disclosure?** A failure to make any required disclosure constitutes grounds for and may be punished by one or more of the following: removal or suspension from employment, demotion, reduction in salary, reprimand, or a civil penalty not exceeding \$10,000. (See: Section 112.317, Florida Statutes).

**C. Disclosure of Clients by Reporting Individuals
under the Florida Code of Ethics**

1. **Client Disclosure Requirements.** If you are a reporting individual required to file Form 1 – Statement of Financial Interests, you are subject to Section 112.3145(5), Florida Statutes, of the Florida Code of Ethics which requires you to file a quarterly report of the names of clients you “represent” for a fee or commission, except for appearances in ministerial matters, before agencies at his or her level of government.

2. **What is “representation of a client” for reporting purposes?** “Representation” includes actual physical attendance on behalf of a client in an agency proceeding, letters written or documents filed on behalf of a client, and personal communications made with the officers or employees of any agency on behalf of a client.

3. **What does not constitute “representation of a client for reporting purposes?”** “Representation” **does not** include:

- appearances before any court or Chief Judges of Compensation Claims or judges of compensation claims;
- representations on behalf of the school district in your official capacity;
- the preparation and filing of forms and applications merely for the purpose of obtaining or transferring a license based on a quota or a franchise of such agency, or a license or operation permit to engage in a profession, business or permit, or transfer, a variance, a special consideration, or a certificate of public convenience and necessity does not require substantial discretion; or
- appearances in ministerial matters, i.e. where the person before whom you represent a client takes action in a prescribed manner in obedience to the mandate of legal authority, without the exercise of the person’s own judgment or discretion as to the propriety of the action taken. For example, filing a document with a Circuit Court Clerk is a ministerial matter since it requires no discretionary action by the Clerk.

4. **Quarterly Client Reports.** Quarterly client disclosure is accomplished by filing a Form 2 - Quarterly Client Disclosure (Appendix 2). A reporting individual **is not** required to file a Form 2 - Quarterly Client Report for any calendar quarter during which he or she **did not** have a reportable client representation.

5. **Where do I file my Quarterly Client Report?** Form 2 - Quarterly Client Reports are filed with the Broward County Supervisor of Elections, 115 South Andrews Avenue, Room 102, Fort Lauderdale, FL 33301.

6. **What if I fail to make a required disclosure?** A failure to make any required disclosure constitutes grounds for and may be punished by one or more of the following: removal or suspension from employment, demotion, reduction in salary, reprimand, or a civil penalty not exceeding \$10,000. (See: Section 112.317, Florida Statutes).

D. Disclosure of Gifts by Reporting Individuals under the Florida Code of Ethics

1. **Gift Restrictions and Reporting Requirements.** If you are a reporting individual required to file Form 1 – Statement of Financial Interests, you are subject to Section 112.3148, Florida Statutes, of the Florida Code of Ethics which prohibits the receipt of certain gifts and requires the reporting of certain gifts.

2. **Can I REQUEST a gift from a vendor, a lobbyist or a lobbyist’s principal?** No. Section 112.3148(3), Florida Statutes, of the Florida Code of Ethics prohibits a reporting individual for soliciting any gift (regardless of value) from (1) a vendor doing business with the school district; (2) a lobbyist who lobbies the school district; or (3) the partner, firm, employer, or principal of such a lobbyist, where such gift is for the personal benefit of (a) the reporting

individual; (b) another reporting individual; or (c) any member of the immediate family of a reporting individual.

3. **Can I ACCEPT a gift worth more than \$100 from a vendor, a lobbyist or a lobbyist's principal?** No. However, Section 112.3148(4), Florida Statutes, of the Florida Code of Ethics will permit a reporting individual to accept a gift valued in excess of \$100 on behalf of the school district or a charitable organization, provided that the person receiving the gift promptly transfers custody and ownership of the gift over to the school district or to a charitable organization.

4. **Quarterly Gift Reports.** Section 112.3148(8)(a), Florida Statutes, of the Florida Code of Ethics requires each reporting individual to disclose any reportable gifts he or she received having a value in excess of \$100. This disclosure is accomplished by filing a Form 9 - Quarterly Gift Disclosure (Appendix 3). A reporting individual **is not** required to file a Form 9 - Quarterly Gift Report for any calendar quarter during which he or she **did not** receive a reportable gift.

5. **Where do I file my Quarterly Gift Report?** Form 9 - Quarterly Gift Reports are filed with the Florida Commission on Ethics, P.O. Drawer 15709, Tallahassee, FL 32317-5709.

6. **When do I file a Quarterly Gift Report?** If you received a reportable gift, a quarterly gift report must be filed no later than the last day of the calendar quarter that follows the calendar quarter for which the form is being filed. For example, if a gift is received in March, it should be disclosed in a Form 9 – Quarterly Gift Report that is filed with the Florida Commission on Ethics by June 30.

7. **What is a reportable gift?** Except for gifts described below which are not reportable, a reportable gift is any gift you received which you believe to have a value in excess of \$100. A “gift” is general defined to mean something that is accepted by you or by another person on your behalf, or that which is paid or given to another person for or on behalf of you, directly, indirectly, in trust for your benefit or by any other means, for which equal or greater consideration is not given within 90 days after receipt of the gift.

8. **What are some of the things that may be considered a gift?** A “gift” includes:
- Real property or the use of real property;
 - Tangible or intangible personal property or the use of tangible or intangible property;
 - A preferential rate or terms on a debt, loan, goods, or services, which rate is below the customary rate and is not either a government rate available to all other similarly situated government employees or officials or a rate which is available to similarly situated members of the public by virtue of occupation, affiliation, age, religion, sex or national origin;
 - Forgiveness of an indebtedness;
 - Transportation (unless provided to you by an agency in relation to officially approved governmental business);
 - Lodging or parking;
 - Food or beverage;
 - Membership dues;
 - Entrance dues;
 - Admission fees or tickets to events, performances, or facilities;

- Plants, flowers or floral arrangements;
- Services provided by persons pursuant to a professional license or certificate;
- Other personal services for which a fee is normally charged by the person providing the services; and
- Any other similar service or thing having an attributable value and not already described.

9. **What gifts are NOT reportable?** A reporting individual **does not** have to file a Form 9 – Quarterly Gift Report for any of the following:

- Any gifts (regardless of value) received from the following relatives: father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half-brother, half-sister, grandparent, great grandparent, grandchild, great grandchild, step grandparent, step great grandparent, step grandchild, step great grandchild, a person who is engaged to be married to the reporting individual or otherwise holds himself or herself out as or is generally known as the person whom the reporting individual intends to marry or with whom the reporting individual intends to form a household, or any other natural person having the same legal residence as the reporting individual;
- Salary, benefits, services, fees, commissions, gifts, or expenses associated primarily with a reporting individual's employment, business, or service as an officer or director of a corporation or organization;
- An honorarium or an expense related to an honorarium event paid to a reporting individual or his or her spouse;
- An award, plaque, certificate or similar personalized item given in recognition of a reporting individual's public, civic, charitable or professional service;
- An honorary membership in a service or fraternal organization presented merely as a courtesy by such organization;
- The use of a governmental agency's public facility or public property by a reporting individual for a public purpose;
- Gifts that a reporting individual is prohibited from accepting by Sections 112.313(4) and 112.3148(4), Florida Statutes. These include any gift which the reporting individual knows or, with the exercise of reasonable care, should know was given to influence a vote or other action in which the reporting individual is expected to participate in his or her official capacity. It also includes a gift worth over \$100 from a lobbyist who lobbies the school district or who lobbied the school district within the past 12 months, or from a partner, firm, employer, or principal of such a lobbyist.
- Gifts worth over \$100 for which there is a public purpose, given to a reporting individual by an entity of the legislative or judicial branch, a department or commission of the executive branch, a water management district, South Florida Regional Transportation Authority, the Technological Research and development Authority, a county, a municipality, an airport authority or a school board (These gifts must be disclosed using a Form 10 instead of using Form 9 – Quarterly Gift Report); and
- Gifts worth over \$100 given to a reporting individual by a direct-support organization (Broward Education Foundation) specifically authorized by law to support the school district (These gifts must be disclosed using a Form 10 instead of using Form 9 – Quarterly Gift Report).

10. **How do I determine the value of a gift?** In general, the value of a gift provided to a reporting individual is determined using the actual cost to the donor, and, with respect to personal services provided by the donor, the reasonable and customary charge regularly charged for such service in the community in which the service is provided. Taxes and gratuities **are not** included in valuing a gift. If additional expenses are required as a condition precedent to the donor's eligibility to purchase or provide a gift and the expenses are primarily for the benefit of the donor or are of a charitable nature, the expenses are not included in determining the value of the gift. Except as otherwise specified by law, a gift should be valued on a per occurrence basis.

11. **What if I provided compensation for a gift to the donor?** Compensation provided by a reporting individual to the donor within 90 days of receiving the gift shall be deducted from the value of the gift in determining the gift's value.

12. **What if I was just one of many persons invited to an event?** If the actual gift value attributable to individual participants at an event cannot be determined, the total costs should be prorated among all invited persons. A gift given to several persons may be attributed among all of them on a pro rata basis. Food, beverages, entertainment, etc., provided at a function for more than ten (10) people should be valued by dividing the total costs by the number of persons invited, unless the items are purchased on a per-person basis, in which case the per-person cost should be used.

13. **How do I place a gift value on transportation that is provided for me?** Transportation received by a reporting individual should be valued on a round-trip basis unless only one-way transportation is provided. Round-trip transportation expenses should be considered a single gift. Transportation provided in a provide conveyance should be given the same value as transportation provided in a comparable commercial conveyance.

14. **How do I place a gift value on lodging that is provided for me?** Lodging provided on consecutive days should be considered as a single gift. Lodging in a private residence should be valued at \$44 per night.

15. **How do I place a gift value on food and beverages that are provided for me?** Food and beverages consumed at a single sitting or event are a single gift valued for that sitting or meal. Other food and beverages provided on a calendar day are considered a single gift, with the total value of all food and beverages provided on that date being the value of the gift.

16. **How do I place a gift value on entrance or admission fees or tickets?** Entrance fees, admission fees or tickets are valued on the face value of the ticket or fee, or on a daily or per event basis, whichever is greater. If an admission ticket is given by a charitable organization, its value does not include the portion of the cost that represents a contribution to that charity.

17. **What if I fail to make a required disclosure?** A failure to make any required disclosure constitutes grounds for and may be punished by one or more of the following: removal or suspension from employment, demotion, reduction in salary, reprimand, or a civil penalty not exceeding \$10,000. (See: Section 112.317, Florida Statutes).

18. **What if I have questions about gifts and their valuation or reporting?** Additional information and instructions may be found printed on Form 9 – Quarterly Gift Report.

In addition, questions may be addressed to the Florida Commission on Ethics, P.O. Drawer 15709, Tallahassee, FL 32317-5709 or by calling (850) 488-7864. Information is also provided at www.ethics.state.fl.us.

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