

SUMMARY OF RECOMMENDED CHANGES

Date: May 6, 2014
 Policy#: 3320
 Policy Title: Purchasing Policies

Page (Item)	Recommended Change/Addition/Deletion	Rationale
Pages 2/3 Section 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 <u>Purchasing Card (P-Card)</u> 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 <u>Agenda Item</u> . <u>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.</u> 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.	Allows schools/depts. Flexibility to purchase from vendors offering the lowest price. Principals will be sent an email from M/WBE Specialist with link to M/WBE vendors to make it easier to order from M/WBE's.
Page 3 Section 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 requires a minimum of three written quotations, unless an exemption to this requirement is established herein... <u>"Only the Superintendent, or designee, may waive the quotations this requirement under this section 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 original scope, execute agreements for parent reimbursement instead of providing transportation as required in special needs circumstances and authorize all renewal options of Competitive Solicitations 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.</u>	Allow for minimal flexibility for decision-making in case the Superintendent is not available. All renewals will require Board approval. All contract expenditures will come to the Board before the expenditure limit is reached.
Page 4 Section D 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. <u>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 may will negotiate with the alternate awardee for a lower price than what was awarded under the original bid the same or lower unit prices as those submitted by the primary awardee.</u> 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.	Allow for negotiation of pricing with alternate awardee should the primary awardee be unable to perform.

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Page 5 Section 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. <u>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.</u> The Superintendent will furnish The School Board a list monthly of all purchases under this category that exceeds \$1,000,000 \$500,000.	To meet the requirements of Senate Bill 1388 and Florida Statute 1006. Lowered the dollar amount that is reported to the Board to \$500,000.
Page 5 Section 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 <u>Education Administrative rules</u> 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.	Added DOE rule.
Page 6 Section J	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.	Eliminate Section J and Incorporate emergency purchases in Section Q
Page 7 Section M	As required by Section 1001.42(12)(l), 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. <u>Purchases of \$500,000 or more under this section must have prior Board approval.</u>	Added verbiage regarding purchases from contracts awarded by other governmental agencies having prior Board approval from \$1,000,000 to \$500,000 and to be consistent with Section F.
Page 7 Section N	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. <u>Purchases of \$500,000 or more under this section must have prior Board approval.</u>	Changed the dollar amount for purchases from contracts awarded by other governmental agencies having prior Board approval from \$1,000,000 to \$500,000 and to be consistent with Section F.
Pages 7/8 Section Q	The <u>Superintendent</u> is authorized to purchase commodities or contractual services where the total amount does not exceed \$1,000,000 \$500,000 and does	Combined two sections (J and Q). Lowered the

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Pages 7/8 Section Q (cont)	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. <u>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 Q will not be used for late grant purchases without a letter of explanation to the Superintendent from the requestor.</u>	superintendent's authority to \$500,000, even during emergency situations. Last-minute grant requests require a letter of explanation to the Superintendent and to be consistent with Section F.
Pages 8/9 Section S	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 appropriate Superintendent's direct reports. Area or Deputy/Associate Superintendent. 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 <u>and the department's director</u> in order to insure that specifications best meet the needs of the requestor. <u>A customer satisfaction survey will also be sent to the requestor and the users, if other than requestor, end users before renewing any contracts.</u> 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.	Eliminate titles due to titles changing. A Customer Satisfaction Survey will determine if the end users are satisfied with the product and service provided in a bid before renewing. If schools are the primary users, a survey will be sent to the Principals before renewing. Contracts will be a maximum of three years except for I&T contracts and Insurance/Benefits contracts.
Page 9 Section T	If the requested spending authorization for purchases from contracts or exemptions described herein is less than \$1,000,000 <u>\$500,000</u> , then the Superintendent of Schools is authorized to make purchases from the contract without prior School Board approval. The Superintendent of Schools 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 1,000,000 <u>\$500,000</u> .	Reduced the dollar amount for contracts or exemptions described herein.
Page 9 Section U	Purchases in excess of \$1,000,000 <u>\$500,000</u> require prior School Board approval unless otherwise established herein 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.	Per Board request and to be consistent with Section F.
Page 12 Section HH	Any proposer, or lobbyist for a proposer, is prohibited from having any communications <u>(except as provided in this rule)</u> concerning any solicitation for a competitive procurement with any School Board Member , the Superintendent	To clarify parties included under the "Cone of Silence" and to change

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Page 12 Section HH (cont)	of Schools, or any Evaluation Committee Member, or any other School District employee after the Supply Management and & Logistics or the Facilities and Construction Department releases a solicitation to the General Public. <u>All communications regarding the solicitation shall be directed to the designated staff member unless so notified by the Supply Management & Logistics Department.</u> The 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. All communications regarding the solicitation shall be directed to the designated staff member unless so notified by the Supply Management & Logistics or the Facilities and Construction Department. Any proposer or lobbyist who violates this provision shall cause their proposal (or that of their principal) to be considered not non responsive and therefore be ineligible for award.	language due to relocation of staff to the Supply Management & Logistics Department.
Page 22 Part IX. Section A	Expenditures for field trips, other than transportation , do not require bidding by the Supply Management and & Logistics Department or School Board approval.	Added verbiage to clarify expenditures for field trips.