

CHAPTER 7.00 - BUSINESS SERVICES

PURCHASING AND BIDDING

7.70*

The Superintendent or designee shall be responsible for all purchases of materials, equipment, and services from District school funds. Only persons authorized by the Superintendent or School Board rules may make any purchase involving the use of school funds. Unauthorized expenditures shall not be approved by the School Board. Florida Statutes, State Board of Education rules, State Department of Agriculture and Consumer Services rules. School Board rules and administrative procedures shall be carefully observed when making any purchases. The District shall recognize purchasing terms as defined by law and rule.

The following provisions shall govern purchasing and bidding procedures other than for capital projects that are covered by separate Board rules.

(1) Authorization to Execute Purchase Orders

The Board has the sole authority to make and approve purchases of \$20,000 or more. The Purchasing Agent or other designees of the Superintendent shall be authorized to sign purchase orders.

(2) Development of an Adherence to Specifications

Purchases through bids and quotations procedures shall be based upon justification and specifications which are clear, definite, and certain as to character and quality and shall conform to standard specifications for the various classes of supplies, materials, parts, services, or equipment desired. Such specifications shall be conducive to securing the most economical price for the highest quality product which best meets the needs of the educational program. Specifications shall be as open as possible and it shall be made clear in the invitation to bid that use of a trade name does not give exclusive rights to that product. Preferential bidding shall not be permitted. The Superintendent or designee shall be responsible for soliciting the assistance of District staff members who use the products to prepare specifications and to evaluate bids.

(3) Requirements for Competitive Bids

Sealed bids shall be requested for any purchase of materials, equipment, or service which exceeds provisions of Florida Statutes or State Board of Education Rules unless the item is purchased on the basis of an established state contract, through approved state on-line procurement, under the provisions of Subsections (14) or (15) herein, or is otherwise exempted from bidding by Florida Statutes or State Board of Education Rules. A particular item or group of similar items which is anticipated to

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exceed the provisions of Florida Statutes or State Board of Education rules during the fiscal year shall be subject to the bid requirements as described herein.

(4) Standard Bid Procedures

- (a) The Purchasing Agent shall develop and maintain a list of all potential bidders by category of commodity of service and shall include the names of all persons or firms that requested placement on the list as is practical. The Purchasing Agent shall mail notification of each request for bids to each person and firm on the list for that particular commodity and may mail notification of request for bids to other known persons or firms that are capable of providing the requested commodity. Potential bidders requesting specifications shall be provided a bid package.
- (b) The Purchasing Agent may remove the name of any person or firm from the list upon failure to respond to three (3) consecutive requests for bids.
- (c) The Superintendent or designee may remove the name of any unqualified or unreliable person or firm from the list. The affected person or firm may apply to the Purchasing Agent for reinstatement to the vendor list after being removed for one (1) year.

(5) Bid Receipt, Opening, and Tabulation

Sealed bids shall be received in the purchasing office or other designated location at the time and date designated in the request for bids. All bids shall be opened publicly in the presence of at least one (1) School Board employee other than the Purchasing Agent. The Purchasing Agent or the other employee shall read aloud the name of the bidder and the amount and shall make recommendations to the Superintendent who shall make a recommendation to the School Board. The tabulation shall be signed by the purchasing agent or other designated person and School Board employee in attendance. Bids received after the designated time shall not be accepted or considered.

(6) Award of Bids

- (a) Each bid shall be awarded on the basis of the lowest and best bid which meets specifications with consideration being given to the specific quality of the product, conformity to the specifications, suitability to school needs, delivery terms and service, and past

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performance of the vendor. In case of a tie, the recommendation shall be made by casting lots. Samples of products may be requested when practical. The School Board shall reserve the right to reject any or all bids.

- (b) The District may award contracts to the lowest, responsible bidder as the primary awardee and to the next lowest and responsible bidder(s) as alternate awardees provided that the awarding of multiple contracts is clearly stated in the bid solicitation documents.

(7) Public Inspection of Bids

Sealed bids, proposals or replies in response to a competitive solicitation shall be exempt from public inspection or copying as provided in §119.071, F.S. When documents are no longer exempt and may be copied, the fee for photocopying shall be in accordance with the School Board Policy 3.51 entitled "Copying of Public Records." Original bids and quotations and the transmittal envelopes shall not be removed from the purchasing office.

(8) Award to Other Than Low Bidder

Any bid recommendation other than the low bid shall be accompanied by a written statement signed by the Purchasing Agent or other designated agent giving the reasons and justification for such action as provided in herein. Single or combination items may be considered in determining the recommendation.

(9) Bid Withdrawal

A bidder may withdraw a bid before the designated time for opening bids by submitting a written request to the Purchasing Agent and identifying the reason(s) for the desired bid withdrawal. A bidder shall not be permitted to withdraw a bid for any reason after the designated time for opening bids unless mutually agreed upon by both parties.

(10) Electronic Bidding

- (a) Electronic bidding may be utilized when it is determined to be in the best interest of the District. All requirements for advance notification of bid specifications and date and time of bidding shall be met.
- (b) Each bid shall be awarded on the basis of the lowest and best bid

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which meets specifications with consideration being given to the specific quality of the product, conformity to the specifications, suitability to school needs, delivery terms and service, and past performance of the vendor.

- (c) Multiple awards may be made provided that the solicitation documents clearly state this option.
- (d) Any bid recommendation other than the low bid shall be accompanied by a written statement signed by the Purchasing Agent giving the reasons and justification for such action.
- (e) Documentation of the bid process shall be maintained for audit purposes.

(11) Emergency Purchases or Bids

- (a) Emergency purchases or bids may be requested in writing or by telephone from at least two (2) vendors and returned as the emergency requires based on the Superintendent's or Purchasing Agent's approval. Emergency as used herein means a situation that endangers the health, safety, or welfare of students, staff or the public, or jeopardizes a project. All emergency bids shall be tabulated and presented to the Superintendent who shall submit the matter to the School Board for action. The School Board minutes shall show the need to initiate emergency bid procedures and shall justify that regular bid procedures would cause a delay and be contrary to the public interest.
- (b) If the Superintendent determines in writing that the time required to obtain pricing information will enhance the emergency situation, the emergency purchase may be made without quotations.

(12) Requisitions

Each purchase shall be based upon a requisition originating from the principal or District department head. Each requisition or contract shall be properly financed, budgeted, and encumbered prior to issuing a purchase order. Under extreme emergencies, the purchasing Agent or designee may grant permission for a purchase without a requisition; provided, however, any emergency purchase shall be followed immediately with an

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emergency requisition. A purchase shall not precede a requisition except under emergency provisions.

- (13) Informal Quotations for Purchases of 50% of the Limits Established by Florida Statutes or State Board of Education Rules

Quotations shall be solicited from at least three (3) sources, except as provided in Subsection (15) herein, prior to issuing a purchase order for materials, services, or equipment exceeding 50% of limits established by Florida Statutes or State Board of Education rules.

- (14) Purchase of Foods and Nonfood Items for the Food Service Department -

The Superintendent shall develop and prescribe a competitive Procurement Plan for purchasing food and non-food supply items for the school food service program.

- (a) The Plan shall contain procedures to ensure conformity with the Federal Food, Drug and Cosmetic Act, the Federal Meat Inspection Act, and the Meat Inspection Law of Florida when purchasing foods.
- (b) The Plan shall provide for various types of selection procedures as alternatives to the bidding requirements prescribed herein. Bidding requirements specified in this rule shall be waived if they conflict or are inconsistent with the Plan. All purchases of milk shall comply with Department of Agriculture and Consumer Services rules.
- (c) Purchases of equipment items and professional services shall be excluded from the Plan and shall be subject to procedures for purchases described herein.

- (15) Government and Agency Bids

Subject to provisions of law, the Superintendent may authorize purchases based upon bids approved by the state of Florida, other government agencies, or educational consortia.

- (16) Acquisition of Professional or Educational Services

The Superintendent is authorized to contract for professional or educational services to complete projects or activities authorized or approved by the School Board.

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- (a) Selection of an architect, professional engineer, landscape architect, or land surveyor to perform professional services for a School Board project shall be in accordance with the School Board Policy 7.71 entitled, "Selecting Professional Services."
- (b) Contracts or commitments exceeding limits established by Florida Statutes or State Board of Education rule for educational services or professional services, other than those described in Subsection (16)(a) herein, shall be approved by the School board prior to execution.

(17) Single Source Commodities or Contractual Services

A commodity or contractual service that is available from a single source may be exempted from requirements for competitive solicitation provided that the District posts notice of its intent to purchase a specific item or service and subsequently posts notice of its intent to enter a single source contract.

(18) Conflict of Interest

The following provisions shall apply for conflict of interest. Any violation of these provisions by a School Board employee may be grounds for dismissal.

- (a) No contract for goods or services may be made with any business organization in which:
 - (i) The Superintendent or School Board member has any financial interest whatsoever;
 - (ii) A spouse or child of the Superintendent or School Board member has an employment relationship or material interest as defined by Section 112.312, Florida Statutes; or,
 - (iii) A School Board employee has an employment relationship or material interest as defined by Section 112.312, Florida Statutes.
- (b) No School Board employee except as approved by the Superintendent may directly or indirectly purchase or recommend the purchase of goods or services from any business organization in which his/her spouse or child has a material interest as defined by Section 112.312, Florida Statutes.

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- (c) School Board employees or officials may not use bid prices or school prices or receive gifts or any preferential treatment in making personal purchases. A School Board employee shall not be prohibited from participating in any activity or purchasing program that is publicly offered to all School Board employees or in District surplus sales provided there is no preferential treatment.

(19) Multi-Year Purchase Agreements

No obligation shall be created by contract, purchase order, maintenance agreement, lease-purchase agreement, lease agreement, or other instrument that exceeds a period of twelve (12) months. The Superintendent shall develop and prescribe a uniform termination clause that shall be incorporated in and made a part of any multi-year obligation agreement or contract.

STATUTORY AUTHORITY:

1001.41; 1001.42, F.S.

LAWS IMPLEMENTED:

112.312; 112.3145(1)(a)(3); 119.071; 120.57;
212.0821; 255.04; 274.02; 287.017; 287.057; 1001.421,
1001.43; 1010.01; 1010.04; 1013.47, F.S.

STATE BOARD OF EDUCATION RULES:

6A-1.012; 6A-1.085;
6A-1.087

STATE DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES RULE(S):

5P-1.003

HISTORY:

ADOPTED:

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FORMERLY: 8.104, 8.146, 8.238,
8.145, 8.416, 8.417