

## **POLICIES PERTAINING TO BUSINESS AND SUPPORT SERVICES**

### **PURCHASING and ACQUISITION**

#### **Purchasing:**

The charter district/school shall utilize the procurement method and shall select and contract with vendors providing the best possible value.

The Board of Directors may contract with business entities in which a Director has a substantial interest if the Director follows the disclosure and abstention procedures set out in Texas Local Government Code Chapter 171.

In making and authorizing district/school purchases, neither Directors nor employees of the district/school shall intentionally or knowingly violate a law relating to that Director's or employee's capacity with the district/school.

To increase efficiency and effectiveness in purchasing, the district/school may contract or agree with other charter schools and other nonprofit corporations created and operated to provide one or more government functions and services, or with state agencies, including the GSC, to perform some of its purchasing functions.

The district/school administrator shall be authorized to make budgeted purchases or other purchases authorized by the Board of Directors in an amount no greater than \$100, if purchasing with petty cash. All other purchases must be done through a purchase requisition. Purchase requisitions of up to \$4,999 will be approved by the Business Manager. Purchases of \$5,000 and over must be approved by the Superintendent, or his/her designee.

#### **Review and Approval:**

Purchases of goods and services of more than \$25,000 and up to \$60,000 will be approved by the Superintendent with notification to board members. These purchases will subsequently be reviewed by the Student Alternatives Program, Inc. Board at the next quarterly meeting. Purchases of goods and services over \$60,000, regardless of whether the goods and services are competitively purchased, shall require Board approval.

#### **Purchasing Authority:**

The superintendent or designee shall have the authority to make budgeted purchases for goods and services following requirements established in Section 12.1053 of the Texas Education Code.

#### **Procurement:**

All charter district/school contracts valued at \$25,000 or more in the aggregate for each 12-month period shall be made through competitive bidding, competitive sealed proposals, or by a request for proposals for services other than construction services.

For major construction services, valued at \$50,000 or more, the district/school shall use a contract to construct, rehabilitate, alter, or repair facilities that involves using a construction manager. A job order contract shall be used for minor construction, repair, rehabilitation, or alteration of a facility that is valued less than \$50,000.

Contracts for professional services, including the services of an architect, attorney, fiscal agent, financial consultant, or technology consultant, are exempt from the bidding process. These contracts can be procured in a manner provided by section 2254.003 of the Government Code, that is, on the basis of demonstrated competence and qualifications to perform the services, and for a fair and reasonable price.

### **Competitive Bidding:**

If competitive bidding is chosen as the purchasing method, the Superintendent or designee shall prepare bid specifications. All bids shall be submitted in sealed envelopes, plainly marked with the name of the bidder and the time of opening. All bidders shall be invited to attend the bid opening. Any bid may be withdrawn prior to the scheduled time for opening. Bids received after the specified time shall not be considered. The district/school may reject any and all bids.

### **Competitive Sealed Proposals:**

If competitive sealed proposals are chosen as the purchasing method, the Superintendent or designee shall prepare the request for proposals and/or specifications for items to be purchased. All proposals shall be submitted in sealed envelopes, plainly marked with the name of the proposer and the time of opening. Proposals received after the specified time shall not be considered. Proposals shall be opened at the time specified, and all proposers shall be invited to attend the proposal opening. Proposals may be withdrawn prior to the scheduled time of opening. Changes in the content of a proposal, and in prices, may be negotiated after proposals are opened. The district/school may reject any and all proposals.

### **Factors:**

In awarding a contract, the district/school shall consider the following:

1. Purchase price.
2. The reputation of the vendor and of the vendor's goods and services.
3. The quality of the vendor's goods and services.
4. The extent to which the goods or services meet the district's/school's needs.
5. The vendor's past relationship with the district/school.
6. The impact on the ability of the district/school to comply with laws relating to historically underutilized businesses.
7. The total long-term cost to the district/school to acquire goods or services.
8. Any other relevant factor specifically listed in the request for bids or proposals.

### **Notice Publication:**

Notice of when and where bids or proposals or the responses to a request of qualifications will be received and opened shall be published in the county where the district's/school's central administrative office is located, once a week for at least two weeks prior to the deadline for receiving bids, proposals, or responses to a request for qualifications. If there is no newspaper in that county, the advertising shall be published in a newspaper in the county nearest the county seat of the county in which the district's/school's central administrative office is located.

### **Purchases Valued \$10,000 to \$25,000:**

When the district/school seeks to purchase personal property of a value of at least \$10,000 but less than \$25,000, in the aggregate, for a 12 month period, the district/school may either purchase those items in accordance with Education Code 44.031 (a) and (b) described above or follow the vendor list procedures described below.

**Notice:**

For each 12-month period, the district/school shall publish a notice in two successive issues of any newspaper of general circulation in the county in which the district/school is located. If there is no newspaper in the county in which the district/school is located, the advertising shall be published in a newspaper in the county nearest the county seat of the county in which the district/school is located, specifying the categories of personal property to be purchased and soliciting the names, addresses, and telephone numbers of vendors that are interested in supplying any of the categories to the district/school.

**Vendor List:**

For each category, the district/school shall create a vendor list consisting of each vendor that responds to the published notice and any additional vendors the district/school elects to include. Before the district/school makes a purchase from a category of personal property, it must obtain written telephone price quotations from at least three vendors from the list for that category. If fewer than three vendors are on the list, the district/school shall contact each vendor. Whenever possible, telephone quotes should be confirmed in writing by mail or facsimile. The bidding records shall be retained with the district's/school's competitive bid records and are subject to audit. Purchases shall be made from the lowest responsible bidder, except as provided by Education Code 44.033(f)

**Computers:**

The district/school may acquire computers and computer-related equipment, including computer software, through the Department of Information Resources (DIR) under contract with the DIR in accordance with Government Code Chapter 2054 and 2157.

**Cooperative Purchasing Program:**

The district/school may participate in a cooperative purchasing program with another local government or local cooperative organization. If the district/school does so, it may sign an agreement with another participating local government or a local cooperative stating that the district/school will:

1. Designate a person to act on behalf of the district/school in all matters relating to the program.
2. Make payments to another participating local government or local cooperative organization or directly under a contract, as provided in the agreement.
3. Be responsible for the vendor's compliance.

If the district/school participates in a cooperative purchasing program, it satisfies any law requiring it to seek competitive bids.

A district that enters into a purchasing contract valued at \$25,000 or more under Education Code 44.031 (a) (5) (inter-local contract), under Subchapter F, Chapter 271, Local Government Code (cooperative purchasing program), or under any other cooperative purchasing program

authorized for school districts by law shall document any contract related fee, including any management fee, and the purpose of each fee under the contract.

The amount, purpose, and disposition of any fee described above must be presented in a written report and submitted annually in an open meeting of the Board. The written report must appear as an agenda item. The Commissioner of Education may audit the written report.

#### **Sole Source:**

Compliance with Education Code 44.031 is not required for purchases that are available from only one source, including:

1. An item for which competition is precluded because of a patent, copyright, secret process, or monopoly.
2. A film, manuscript, or book.
3. A utility service, including electricity, gas, or water.
4. A captive replacement part or component of equipment.

The sole source exception shall not apply to mainframe data processing equipment and peripheral attachment with a single-item purchase price in excess of \$15,000.

#### **Disclosure:**

The Board of Directors may contract with business entities in which a Director has a substantial interest if the Director follows the disclosure and abstention procedures set out in the Texas Local Government Code Chapter 171.

#### **Responsibility for Debts:**

The Board shall assume responsibility for debts incurred in the name of the school even if the Board has delegated the power to incur debt to other persons.

#### **Petty Cash Purchases:**

Purchases may be made using the school's petty cash fund for items needed in an emergency basis, or where time constraints necessitate, but not to exceed \$100. Such purchases must be approved by the Superintendent. Reconciliation and reimbursement of the petty cash fund will be done on a monthly basis (every two pay periods) using the Board approved Petty Cash Reimbursement Form.

#### **Other Purchases:**

Purchases may be made with personal cash or personal credit cards for the same purpose as using petty cash. These purchases are also limited to \$100, unless prior approval of the Superintendent, or his designee, has been obtained. Reimbursement for such purchases will be done on a bi-monthly basis (with every pay period) using the Board approved Reimbursement Form.

The school may open credit accounts, with the approval of the Superintendent, or his designee, with vendors dealing in school related supplies and equipment. Purchases made with the school's credit card should be billed directly to the finance office for payment.

#### **Personal Purchases:**

School employees shall not be permitted to purchase supplies or equipment for personal use through the school's business office.

**Disbursements:**

All disbursements by the school will be made by check. This includes payment of invoices, reimbursements to employees, reimbursements of the petty cash fund, etc.

**Date Adopted: November 4, 2000**  
**Last Date Amended: August 16, 2014**