

No. \_\_\_\_\_



**TOPIC:** Approval of Option 1 or 2 on Policy CH (LOCAL): Purchasing and Acquisition

**SUBMITTED BY:** Juan A. Cruz OF School Attorney

**APPROVED FOR TRANSMITTAL TO SCHOOL BOARD:** March 10, 2009

**RECOMMENDATION:**

It is recommended that the United ISD Board of Trustees approve Option 1 or 2 on Policy CH (LOCAL): Purchasing and Acquisition.

**RATIONALE:**

**BUDGETARY INFORMATION:**

**BOARD POLICY REFERENCE AND COMPLIANCE:**

PURCHASING AND ACQUISITION

CH  
(LOCAL)

PURCHASING  
AUTHORITY

The Superintendent or designee shall determine the method of purchasing to be used, in accordance with CH(LEGAL), and to make budgeted purchases or purchases otherwise authorized by Board action unless state law requires the Board to make or approve a purchase.

Requests to participate in procurement programs authorized under Government Code 791.001 and 791.011—interlocal agreements authorized under Government Code 791.025(b)(c); the state purchasing program authorized under Local Government Code 271.083; or cooperative purchasing programs authorized by Local Government Code 271.102—shall be submitted to the Board for consideration and approval. District participation in these programs shall satisfy all state requirements regarding competitive procurement methods.

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 Any bid may be withdrawn prior to the scheduled time for opening.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 may reject any and all bids. On bids that are not required by law, the Board shall consider price, quality, suitability of the product, the bidder's references and record for responsibility, the bidder's knowledge of the product, and service.

For the purchase of like items from \$10,000 to \$25,000, three written quotes shall be obtained by the requestor and verified by the District's purchasing department to determine the best value to the District. For purchases of like items from \$1,000 to \$9,999.99, three written quotes shall be obtained by the requestor and verified by the District's purchasing department. A policy of obtaining quotes for price comparisons shall be a continuing process to assure the District's receipt of the lowest prices for supplies and materials.

All records regarding District bids shall be kept on file in the business office.

EMERGENCY  
PURCHASES

In emergency situations, the Superintendent may approve, to the extent permitted by law, the purchase of supplies, equipment, or services for less than \$25,000 without the three-bid requirement. Such emergency purchases shall be disclosed to the Board at the next regularly scheduled Board meeting.

DATE ISSUED:

1 of 2

CH(LOCAL)-X

PURCHASING AND ACQUISITION

CH  
(LOCAL)

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 for opening. Changes in the content of a proposal, and in prices, may be negotiated after proposals are opened.

The District may reject any and all proposals.

RESPONSIBILITY FOR  
DEBTS

The Board shall assume responsibility for debts incurred in the name of the District so long as those debts are for purchases made in accordance with adopted Board policy and current administrative procedures. The Board shall not be responsible for debts incurred by persons or organizations not directly under Board control; persons making unauthorized purchases shall assume full responsibility for all such debts.

PURCHASE  
COMMITMENTS

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

PERSONAL  
PURCHASES

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

CRIMINAL HISTORY

**The District shall not consider for contract approval a business whose owner or operator has a criminal record that includes a conviction, deferred adjudication, or plea of guilt, or nolo contendere for any felony offense.**

DATE ISSUED:

ADOPTED:

2 of 2

CH(LOCAL)-X

PURCHASING AND ACQUISITION

CH  
(LOCAL)

PURCHASING  
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DATE ISSUED:

1 of 3

CH(LOCAL)-X

PURCHASING AND ACQUISITION

CH  
(LOCAL)

COMPETITIVE SEALED  
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PERSONAL  
PURCHASES

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

CRIMINAL HISTORY

**Before entering into a contract with the District, a person or business must give notice to the District if the person or an owner or operator of the business has been convicted of a felony. Those convicted of the following felony offenses will not be considered for contract approval:**

1. **Any Sexual Offense;**
2. **Assault;**
3. **Homicide;**
4. **Kidnapping;**
5. **Robbery;**
6. **Burglary;**
7. **Theft;**
8. **Arson;**
9. **Fraud;**
10. **Bribery;**

DATE ISSUED:

2 of 3

CH(LOCAL)-X

11. Perjury;
12. Public Indecency;
13. Gambling;
14. Intoxication (Assault & Manslaughter);
15. Weapons Possession;
16. Organized Criminal Activity;

The District may be allowed to approve an owner or operator of the business who has felony conviction, other than those enumerated above, which occurred more than ten (10) years ago.

OPTION 2