



UNITED INDEPENDENT SCHOOL DISTRICT AGENDA ACTION ITEM

TOPIC: Consideration for Approval of Second and Final Reading of Policies in TASB Update 117

SUBMITTED BY: Gloria S. Rendon **OF:** Deputy Superintendent for Administration & Operations

APPROVED FOR TRANSMITTAL TO SCHOOL BOARD: _____

DATE ASSIGNED FOR BOARD CONSIDERATION: July 21, 2021

RECOMMENDATION: It is recommended that the UISD Board of Trustees approve the Second and Final Reading of Policies in TASB Update 117

CH (LOCAL) PURCHASING AND ACQUISITION
CV (LOCAL) FACALITIES CONSTRUCTION

PURCHASING AND ACQUISITION

CH
(LOCAL)

**Purchasing
Authority**

The Superintendent shall determine the method of purchasing to be used, in accordance with CH(LEGAL) or CBB(LEGAL), as appropriate, 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.

With the exception of purchases made via an interlocal agreement, a purchasing cooperative, and/or the state-approved contract, all transactions and/or contracts valued at \$50,000 or more per year, either as a single purchase or in the aggregate, shall require prior approval from the Board.

**Exception for
Emergency
Contracts**

In the event of a catastrophe, emergency, or natural disaster affecting the District, the Board delegates to the Superintendent the authority to contract for the replacement, construction, or repair of school equipment or facilities in accordance with law, if emergency replacement, construction, or repair is necessary for the health and safety of District students and staff and so long as the total cost is no more than \$50,000. The Superintendent shall report to the Board at the next regular meeting any contract made under this authority. [See Disaster Exception, CH(LEGAL)]

The delegation regarding emergency contracts does not waive competitive purchasing requirements under Education Code Chapter 44. Only the Board is authorized to waive competitive purchasing requirements under limited circumstances in accordance with Education Code 44.031(h). [See Emergency Damage or Destruction, CH(LEGAL)]

**Purchasing
Procedures**

The Superintendent shall develop purchasing procedures to implement the requirements of state and federal law. [See also CB, CBB, CH(LEGAL), and COA]

Competitive Bidding

If competitive bidding is chosen as the purchasing method, the Superintendent shall prepare bid specifications. All bids shall be in accordance with administrative regulations, and the submission of any electronic bids shall also be in accordance with Board-adopted rules. All bidders shall be invited to attend the bid opening. Any bid

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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 in accordance with state or federal law, as applicable. 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 unapproved vendors in the amount of \$25,000 to \$49,999.99, written quotes shall be obtained by the District's purchasing department to determine the best value to the District. For purchases of like items from unapproved vendors in the amount of \$3,500 to \$24,999.99, 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 ensure 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 \$50,000 without the quote requirement. Such emergency purchases shall be disclosed to the Board at the next regularly scheduled Board meeting.~~

Competitive Sealed
Proposals

If competitive sealed proposals are chosen as the purchasing method, the Superintendent shall prepare the request for proposals and/or specifications for items to be purchased. All proposals shall be in accordance with administrative regulations, and the submission of any electronic proposals shall also be in accordance with Board-adopted rules. 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 may reject any and all proposals in accordance with state or federal law, as applicable.

Electronic Bids or
Proposals

Bids or proposals that the District has chosen to accept through electronic transmission shall be administered in accordance with Board-adopted rules. Such rules shall safeguard the integrity of the competitive procurement process; ensure the identification, security, and confidentiality of electronic bids or proposals; and ensure

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that the electronic bids or proposals remain effectively unopened until the proper time.

Credit Cards

The District shall have only one credit card account, which shall be chosen and maintained by the Superintendent. Purchases made with the District credit card shall only be for purposes related to District business. The Superintendent shall be the only District employee with permission to authorize use of the District credit card by another District employee. The Superintendent shall establish procedures for use of the credit card account so that all use is thoroughly documented.

Any points earned through the use of the District's credit card shall be the property of the District and shall be used only for the benefit of the District, its students, or the uses related to the District's educational purpose, as approved by the Superintendent.

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 the adopted budget, state law, Board policy, and the District's purchasing procedures. [See CE] 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 in accordance with administrative procedures, including the District's purchasing procedures.

Personal Purchases

District employees shall not be permitted to make purchases 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.

FACILITIES CONSTRUCTION

CV
(LOCAL)

**Compliance with
Law**

The Superintendent shall establish procedures that ensure that all school facilities within the District comply with applicable laws and local building codes.

**Construction
Contracts**

Unless otherwise determined by the Board, the project delivery/contract award method to be used for each construction contract valued at or above \$50,000 in the aggregate for each 12-month period shall be the job-order contract method set forth in Education Code Sections 44.031(a)(2) and 44.039, Chapter 44, Subchapter B, as determined and approved by the Board to be the best value for the District. If another method is deemed by the Superintendent to be more appropriate for a particular construction project, the Superintendent or designee shall submit a recommendation for the Board's consideration, determination, and approval as a delivery method that provides the best value to the District. [See CV series generally and CBB(LEGAL) for requirements if federal funds are involved.]

For construction contracts valued at or above \$50,000, the Superintendent shall be authorized to execute the resulting contract after the Board has approved the proposal/bid. Lesser expenditures for construction and construction-related materials or services shall be at the discretion of the Superintendent and consistent with law and policy. [See also CH and CBB(LEGAL)]

Note: For provisions regarding delegation of authority for construction contracts in the event of a catastrophe, emergency, or natural disaster affecting the District, see CH(LOCAL).

**Emergency Damage
or Destruction**

~~The Superintendent or designee shall notify the Board of any exceptions to competitive procurement requirements due to damage to school facilities or equipment, as noted in CH(LEGAL) and CV(LEGAL).~~

Change Orders

Change orders permitted by law shall be approved by the Board or its designee prior to any changes being made in the approved plans or the actual construction of the facility. The Superintendent or designee is authorized to approve any change orders in an amount not to exceed \$25,000 prior to any changes being made in the approved plans or the actual construction of the facility, as well as any time extensions to construction contracts without Board approval.

**Project
Administration**

All construction projects shall be administered by the Superintendent or designee.

FACILITIES CONSTRUCTION

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(LOCAL)

The Superintendent shall keep the Board informed concerning construction projects and also shall provide information to the general public.

Final Payment

The District shall not make final payments for construction or the supervision of construction until the work has been completed and the Superintendent has accepted the work.