

The Board of Trustees of Minidoka County Joint School District No. 331 adopts the following procedures for purchasing personal property and constructing, repairing or improving real or personal property to assure the wise and appropriate use of public funds placed in its control by issuance of purchase orders for all purchases within the District. Purchase orders may be obtained by electronically submitting a requisition to the District Office by authorized personnel at each site.

It is the policy of this District to conduct its purchasing program in a manner to ensure optimum use of District funds. The Board, or its designee, reserves the right to determine what is in the best interest of the District.

Authorization and Control

The Superintendent is authorized to direct expenditures and purchases within the limits of the detailed annual budget for the school year and pursuant to state purchasing and federal procurement requirements. Board approval for purchase of capital outlay items is required when the aggregate total of a requisition exceeds \$100,000, except the Superintendent shall have the authority to make capital outlay purchases without advance approval when it is necessary to protect the interests of the District or the health and safety of the staff or students. The Superintendent shall establish requisition and purchase order procedures as a means of controlling and maintaining proper accounting of the expenditure of funds that align with state purchasing and federal procurement requirements. Staff members shall not obligate the District without express authority. Staff members who obligate the District without proper authorization may be held personally responsible for payment of such obligations.

The District's budget will contain fund allocations for purchasing of specific items.

The intent of the purchase order process is to provide internal control and timely processing of the purchase order to assure the earliest payment of bills.

All purchase orders must be approved prior to placing order or making purchases.

The Superintendent ~~shall~~may review this policy and its procedures annually with all District office, building administration, and supervisory staff.

Definitions

1. "Invitation for Bids" -- The Formal Notice as required by Idaho code, Section 33-601
2. "Invitation for Quotations" – The informal method of obtaining comparable prices from suppliers or vendors
3. "Request for Proposals" - The formal method of obtaining comparable prices from suppliers or vendors.

Cooperative Purchasing

~~The District may cooperatively enter into contracts with one (1) or more districts to purchase materials necessary or desirable for the conduct of the business of the District provided that the purchasing cooperative follows state purchasing and federal procurement requirements.~~

Bids and Contracts

To assure that consistency and wise management is provided, the Administration is to use the following purchasing requirements based on estimated value of items:

1. For micro-purchases up to \$3,000, purchases may be awarded without soliciting competitive bids if the District considers the price to be reasonable. The District shall maintain evidence of this reasonableness in the records of all micro-purchases. If small purchases are between \$3,000 and \$50,000 in cost, the District shall use price or rate quotations obtained from an adequate number of qualified sources and maintain quotations in purchasing records
2. Except for the purchase of curricular materials as and in accordance with the requirements of Idaho Code or purchases in cooperation with the division of purchasing or cooperative agency established pursuant to chapter 23, title 67, and/or sections 33-315 through 33-318, Idaho Code, no contract for the construction, repair, or improvement of any real property, or the acquisition, purchase or repair of any equipment, or other personal property necessary of the operation of the School District of Twenty-five Thousand Dollars (\$25,000) ~~or more may but does not exceed \$100,000~~ be executed without following the legal bid process as required by section 33-601, Idaho Code. All requests for bids must have a complete set of written specifications submitted to the District Treasurer, who will initiate the bid process.
 - a. Bids shall be called for by issuing ~~public notice~~ written request to at least three vendors as specified in statute as well as following federal procurement requirements. Specifications shall be prepared and be made available to all vendors interested in submitting a bid. The contract shall be awarded to the lowest responsible bidder, except that the Board may reject any bid, reject all bids, or publish notice to rebid the project. If after calling for bids a second time, no satisfactory bid is received, the Board may proceed under its own direction, subject to the approval of the State Board of Education.
 - b. For expenditures exceeding \$100,000, bids shall be called for by issuing public notice as specified in statute as well as following federal procurement requirements. Specifications shall be published in the official newspaper of the District at least two weeks before the opening date, with the second notice to be published in the succeeding week at least seven days before the date that bids are scheduled to be opened. Copies of specifications, bid forms, bidder's instructions, contract documents and general and special instructions shall be made available upon request by any interested bidder.
 - b.c. When purchasing goods and services pursuant to Idaho Code and determining the most qualified bidder for award of the contract, the District at its sole discretion, may consider additional factors including but not limited to, the relative experience,

ability, references and integrity of the bidders to do faithful and conscientious work and promptly fulfill the contract according to contract requirements.

~~e.d.~~ Except where a Request for Proposals is advertised, in the event the District awards a contract to a bidder other than the lowest responsive bidder, the Board shall declare its reason or reasons on the record and shall communicate such reason or reasons in writing to all who have submitted a competing bid. The disappointed bidders shall have the right to submit a timely written objection, at which time the District shall stop all work on the project, and shall review its decision and determine whether to affirm its prior award, modify the award, or choose to re-bid, setting forth its reason or reasons therefore. After completion of the review process, the District may proceed as it deems to be in the public interest.

~~d.e.~~ The Superintendent shall establish bidding and contract awarding procedures that align with state purchasing and federal procurement requirements.

EMERGENCY CLAUSE FOR ABOVE MAY BE IMPLEMENTED IF IT INVOLVES THE SAFETY OR WELL BEING OF THE STUDENTS, OR REQUIRING IMMEDIATE EMERGENCY ACTION WHICH CANNOT BE DELAYED FOR THE TWENTY-FOUR HOURS TO OBTAIN REGULAR PURCHASING AUTHORIZATION, A VERBAL APPROVAL BY THE SUPERINTENDENT MUST BE OBTAINED THROUGH PHONE OR RADIO BEFORE THE PURCHASE CAN BE MADE.

Sealed Bids (Formal Advertising)

For purchases over \$150,000, bids are publicly solicited and a firm fixed price contract (lump sum or unit price) is awarded to the responsible bidder whose bid, conforming with all of the material terms and conditions of the invitation for bids, is the lowest in price. The sealed bid method is the preferred method for procuring construction, if the following conditions apply:

1. A complete, adequate, and realistic specification or purchase description is available;
2. Two or more responsible bidders are willing and able to compete effectively for the business; and
3. The procurement lends itself to a firm fixed price contract and the selection of the successful bidder can be made principally on the basis of price.

If sealed bids are used, the following requirements apply:

1. Bids must be solicited from an adequate number of known suppliers, providing them sufficient response time prior to the date set for opening the bids.
2. The invitation for bids, which will include any specifications and pertinent attachments, must define the items or services in order for the bidder to properly respond;
3. All bids will be opened at the time and place prescribed in the invitation for bids.
4. A firm fixed price contract award must be made in writing to the lowest responsive and responsible bidder.

Where specified in bidding documents, factors such as discounts, transportation cost, and life cycle costs must be considered in determining which bid is lowest. Payment discounts will only be used to determine the low bid when prior experience indicates that such discounts are usually taken advantage of. Any or all bids may be rejected if there is a sound, documented reason.

Personnel Conflicts of Interest

No employee will make any purchase or incur any obligations for or on behalf of the District from any private business, contractor, or vendor in which or with which the employee has a direct or indirect financial or ownership interest.

Purchases or contracted services from any private business or venture in which any employee of this District has a direct or indirect financial or ownership interest will be made on a competitive bid basis strictly in accordance with the following procedures:

1. The interested employee, the business, the contractor, or the vendor will fully disclose, in writing, the employee's exact relationship to the business, the contractor, or the vendor;
2. The affected business, the contractor, or the vendor may submit a bid in compliance with the specifications outlined by the District;
3. The interested employee will not be involved in any part of bidding process, including but not limited to, preparing specifications, advertising, analyzing, or accepting bids; and
4. This policy will apply to any organization, fund, agency, or other activity maintained or operated by the District.

No employee will solicit gifts, gratuities, favors, prizes, awards, merchandise, or commissions as a result of ordering any items or as a result of placing any purchase order with a business, contractor, or vendor on behalf of the District nor accept anything of monetary value from a business, contractor, or vendor except for unsolicited gifts of \$50 or less in value.

Procurement Under a Federal Award

~~In addition to the conflicts of interest outlined above, no employee, officer, or agent of the District may participate in the selection, award, or administration of a contract supported by a federal award if he or she has a real or apparent conflict of interest. Such conflicts of interest include instances where any of the following has a financial or other interest in or a tangible personal benefit from a firm considered for a contract:~~

- ~~1. The employee, officer, or agent;~~
- ~~2. Any member of his or her immediate family, including spouses, children and parents;~~
- ~~3. His or her partner. For the purposes of this policy, "partner" shall mean an adult of the same sex or different sex with whom the employee, officer, or agent shares a non-marital intimate relationship and a common residence and with whom they mutually affirm that they share responsibility for each other's common welfare; or~~
- ~~4. An organization which employs or is about to employ any of the parties listed above.~~

~~The following activities are prohibited:~~

- ~~1. The purchase during the school day of any food or service from a District contractor or vendor for individual use;~~
- ~~2. The removal of any food, supplies, equipment, or school property without proper authorization;~~
- ~~3. Individual sales by District personnel of any school property, including used items.~~

Violations

~~Any District officer, employee, or agent who violates this policy may be subject to disciplinary action, including but not limited to a fine, suspension, or termination. Violations of law will be referred to the local, state, or federal authority having proper jurisdiction.~~

Replaced Equipment

When the School District purchases equipment or other tangible property, and the equipment or other tangible property being purchased will replace equipment or tangible property then owned by the District, such property of the District should be used as a trade-in, unless it can be demonstrated to the satisfaction of the Superintendent the retention or disposal by other means of said property being replaced will be in the best interest of the School District. To advance the District’s desire for positive public relations, employees of the District are prohibited from buying back said traded-in items from the vendors or agencies from which the purchase of replacement equipment or tangible property was made, without providing prior notice to the Superintendent, of the employee’s intent to purchase the trade-in item from the vendor or agency.

LEGAL REFERENCE:

<p>I.C. § 33-601</p> <p>I.C. § 33-402</p> <p>I.C. § 33-316</p> <p>I.C. § 18-1351</p> <p>I.C. § 59-701</p> <p>I.C. § 33-402</p> <p>I.C. § 33-601</p> <p>I.C. § 67-2805</p> <p>I.C. § 67-2806</p> <p>I.C. § 67-2806A</p> <p>I.C. § 74-401 et seq</p> <p>2 C.F.R. § 200.317</p> <p>2 C.F.R. § 200.318</p> <p>2 C.F.R. § 200.320</p> <p><u>2 C.F.R. § 180.220</u></p>	<p>Real and Personal Property – Acquisition, Use or Disposal of Same.</p> <p>Notice Requirements</p> <p>Cooperative Contracts to Employ Specialized Personnel and/or Purchase Materials</p> <p>Bribery and Corrupt Practices – Definitions</p> <p>Ethics in Government</p> <p>Notice Requirements</p> <p>Real and Personal Property-Acquisition, Use or Disposal of Same</p> <p>Procurement of Public Works Construction</p> <p>Procuring Services or Personal Property</p> <p>Request for Proposal</p> <p>Ethics in Government</p> <p>Procurement by States</p> <p>General Procurement Standards</p> <p>Methods of Procurement to be Followed</p> <p><u>Are Any Procurement Contracts Included as Covered Transactions?</u></p>
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ADOPTED: February 25, 2002

**AMENDED/REVISED: November 18, 2002, September 20, 2004;
December 14, 2015; November 21, 2016; June 18, 2018; September 17, 2018**

Refer to: 750.00F1, 750.00F2, 750.00F3, 750.00F4, 750.00F5, 750.00P1, 750.00P2