

PURCHASING AND ACQUISITION

PROPOSED POLICY

CH
(LOCAL)

**Purchasing
Authority**

The Board delegates to the Superintendent the authority to make budgeted purchases for goods or services. However, any single, budgeted purchase of goods or services that costs ~~\$50,000~~ **\$100,000** or more, regardless of whether the goods or services are competitively purchased, shall require Board approval before a transaction may take place. Budgeted purchases in excess of ~~\$25,000~~ **\$50,000**, but not exceeding ~~\$50,000~~ **\$100,000**, shall be reported to the Board in a timely manner.

Regardless of value, the Board delegates to the Superintendent the approval of purchases of instructional materials for classroom use if such purchases were made through the Texas Education Agency's Educational Materials (EMAT) system in accordance with law and Board policies.

When federal funds are spent for the purchase of goods or services, the District administration shall follow the regulations, statutes, standards, and rules applicable to those federal funding sources, as well as state law to the extent applicable, in procurement of the goods or services.

A purchase made in accordance with the sole-source exception in state law [see CH(LEGAL)] shall be approved by the director of purchasing prior to the transaction. A vendor that provides sole-source products or services shall be required to provide a signed, notarized sole-source affidavit. Board approval shall be required for any sole-source purchase of ~~\$50,000~~ **\$100,000** or more prior to the transaction.

**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. 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]

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Purchasing Method	The Board delegates to the Superintendent the authority to determine the method of purchasing in accordance with CH(LEGAL) or CBB(LEGAL), as appropriate.
<i>Competitive Bidding</i>	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 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.
<i>Competitive Sealed Proposals</i>	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 that the electronic bids or proposals remain effectively unopened until the proper time.
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.