

BP 3290 GIFTS, GRANTS and BEQUESTS

The School Board greatly appreciates the support of community members and may accept suitable donations on behalf of the district. All donations greater than \$1,000 shall be brought before the Board. The Superintendent or designee may apply for special revenue grants.

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To be acceptable, a gift, grant, or bequest must be reviewed by a Superintendent designated committee and must satisfy the following criteria:

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1. Evaluate any new program(s) which the Board would be unable to continue when the donated funds are exhausted.
2. Not entail unreasonable undesirable or hidden costs, such as additional staff workload.
3. Place no restrictions on the school program.
4. Not be inappropriate or harmful to the best education of students.
5. Not imply endorsement of any person, business or product.
6. Not conflict with any provision of the Board policy or public law.
7. Have a purpose consistent with those of the district.

Deleted: Not begin a program

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The Board discourages any gifts which may directly or indirectly impair its commitment to providing equal educational opportunities for all district students. Use of a gift shall not be impaired by restrictions or conditions imposed by the donor. The Board will try to follow the donor's wishes insofar as they do not conflict with district philosophy or operations.

Upon acceptance by the School Board, all gifts, grants and bequests shall become school district property. At the Superintendent or designee's discretion, a gift may be used at a particular school.

(cf. 3430 - Investing)

(cf. 3440 - Inventories)

Adopted: February 25, 1994

Revised:

Northwest Arctic Borough School District

Model Policy

BP 3305 ELECTRONIC FUND TRANSACTIONS

Note: The following optional policy is for use by districts utilizing an automated clearing house or "ACH." ACH is a national and governmental organization that has authority to process electronic payments, including, but not limited to, the national automated clearing house association and the federal reserve system. Some federally mandated transactions require that public funds be disbursed through electronic payment, debit, or credit transfer using an ACH.

The Northwest Arctic Borough School District, through resolution of the School Board, shall be a party to an Automated Clearing House (ACH) arrangement. The Superintendent or designee, shall be responsible for the district's ACH agreements, including payment approval, accounting, reporting, and generally for overseeing compliance with the ACH policy. ~~All ACH invoices are to be approved prior to payment.~~

Internal Accounting

The Superintendent or designee, shall be responsible for development and maintenance of appropriate accounting controls to monitor the use of ACH transactions.

(cf. BP 3110 - Transfer of Funds)

(cf. BP 3300 - Expenditures/Expending Authority)

Added 1/09

9/92

AASB Policy Reference Manual

Commented [MW1]: We don't pay ACH invoices, we have vendors that are either set up to receive payment via ACH or not. I think having an electronic funds policy is important, but I think this needs a little work

BP 3311 BIDS

All purchase orders with an estimated cost of \$50,000 or more shall be competitively bid using formal bidding procedures and a recommendation as to the award shall be brought to the Board for their approval.

All purchase orders with an estimated cost of \$10,000 but less than \$50,000 shall require written price quotes from ~~an adequate number of~~ 2 or more qualified sources. If the lowest price quote is not selected the reasons shall be given in writing and forwarded to the purchasing office.

Each purchase order shall encompass all costs associated with the item to determine if written price quotes or formal bid procedures are required. Segmented purchases will be combined to determine when Board approval is required.

With the exception of Board approval purchases under the following circumstances are exempt from the provisions of this policy:

1. in an emergency;
2. available from one source;
3. purchased from other governmental agencies.

The Superintendent or designee shall establish procedures to implement these requirements. Prior to any purchase, the District should review the federal funding award or grant to determine if it requires compliance with OMB's procurement procedures.

Performance bonds may be required for all contracts, or when the quantity of the amount of money is in excess of \$50,000.

Under no condition shall bids be accepted after the advertised bid opening time, regardless of whether the bids are actually opened at that time.

Purchases Made Under Federal OMB Funding Awards

All bids under Federal awards must be made in accordance with the standards set forth in 2 CFR 200.320. One of the following five methods of procurement shall be used for each purchase under a federal award:

1. Micro-purchases: Less than \$3,000 (\$2,000 for purchases subject to the Davis-Bacon Act)
 - a. No competitive quotes required
 - b. Purchases should be spread among qualified suppliers

2. Small Purchases: Between \$3,000 and \$150,000
 - a. Rate quotes must be obtained from an adequate number of qualified sources
 - b. Quotes can be obtained from suppliers or from public websites
3. Sealed bids: Purchases more than \$150,000
 - a. Two or more qualified bidders are required
 - b. Bids must be publicly advertised and solicited from adequate suppliers
 - c. Lowest bidder for the fixed price contract with specific requirements shall be awarded the contract
4. Competitive Proposals: Purchases more than \$150,000
 - a. A written policy must be adopted for conducting technical evaluations of reviewing proposals and selecting the recipient
5. Sole Source: Purchases of any amount that meet one of the following four requirements
 - a. Good/service is only available from a single source
 - b. Only one source can provide the good/service in the time frame required
 - c. Written pre-approval from the Federal awarding agency
 - d. Competition is deemed inadequate, after solicitation attempts through one of the other methods

To ensure that good value is received for funds expended, specifications shall be carefully designed and shall describe in detail the quality, delivery and service required.

Minority Bidding

When procuring contracts under federal awards set forth in [2 CFR 200.320](#), the District must take affirmative steps to utilize minority businesses, women's business enterprises, and labor surplus area firms when possible. Affirmative steps must include:

1. Placing qualified small and minority businesses and women's business enterprises on solicitation lists;
2. Assuring that small and minority businesses, and women's business enterprises are solicited whenever they are potential sources;
3. Dividing total requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation by small and minority businesses, and women's business enterprises;
4. Establishing delivery schedules, where the requirement permits, which encourage participation by small and minority businesses, and women's business enterprises;

5. Using the services and assistance, as appropriate, of such organizations as the Small Business Administration and the Minority Business Development Agency of the Department of Commerce; and

6. Requiring the prime contractor, if subcontracts are to be let, to take the affirmative steps listed in paragraphs (1) through (5) of this section.

Exemptions

The following items are exempted from formal purchasing procedures:

A. Instructional materials for which purchasing guidelines have been established by School Board Policy in BP 6161.1(a); or

B. In-service presenters, speakers, or curriculum, instruction, or staff development experts selected for particular and unique expertise; or

C. Professional or consultant services such as medical, legal, negotiation, technical, or educational, not including architectural/engineering design services; or

D. Professional or consultant services (such as property and casualty insurance) purchased jointly with Local, State, or Federal agencies; or

E. Public services, utilities or energy-related expenses, site licenses, upgrades, maintenance contracts, and specialized services, software, or equipment where no competition exists (single source) or the District has established a need for standardization of equipment, supplies, or services; or

F. Emergency supplies or supplies and equipment that augment previously purchased items of a similar nature whereby the District would incur substantial costs to switch products or product lines; or

G. Purchases involving replacement of equipment where similar equipment is being traded in; or

H. Purchases involving items regulated by Fair Trade Statutes; or

I. Purchases made through cooperative purchasing agreements, existing Federal/State or inter-district contracts including GSA pricing; or when cooperatively bidding with other public agencies; or

J. Contracts or purchases when time is of the essence for reasons of health or safety, or to comply with legal requirements in a timely manner.

K. Proprietary (sole-source) items or services or items that are only available from a single source.

When applicable, prior to any purchase, the District should review the federal funding award or grant to determine if it requires compliance with Uniform Guidance OMB's procurement procedures.

(cf. 9270 - Conflict of Interest)

(cf. 4030 - Nondiscrimination in Employment)

(e. 3310 – Purchasing Procedures, Procurement)

Legal Reference:

ALASKA STATUTES

[14.14.060](#) Relationship between borough school district and borough

[14.14.060](#) (h) Procurement of supplies and equipment

[14.14.065](#) Relationship between city school district and city

[14.03.085](#) Procurement preference for recycled Alaska products

[29.71.050](#) Procurement preferences for recycled Alaska products

[35.15](#) Construction Procedures

[36.15.020](#) Use of local agricultural and fisheries products required in purchases with -state money

ALASKA ADMINISTRATIVE CODE

[4 AAC 27.085](#) Competitive pupil transportation proposals

[4 AAC 31.080](#) Construction and acquisition of public school facilities

CODE OF FEDERAL REGULATIONS

[2 C.F.R. 200.317-326](#), Procurement Standards

[FAIRBANKS NORTH STAR BOROUGH SCHOOL DISTRICT v. BOWERS](#), 851 P.2d 56 (Alaska 1992)

~~Revised: June 09, 2015~~

~~January 30, 2018~~

~~November 15, 2019~~

Adopted: February 25, 1994

~~Revised: June 09, 2015~~

~~Revised: January 30, 2018~~

~~Revised: November 15, 2019~~

Revised:

Northwest Arctic Borough School District

BP 3312 CONTRACTS/MEMORANDA OF AGREEMENTS

The Superintendent, or his/her designated certifying officer(s), shall be empowered to enter into and execute a Memorandum and Contractual Agreements (MOA).

MOA's in amounts of \$50,000 or less shall be authorized by the Superintendent, or his/her designee. All agreements over \$50,000 and/or where implied liability cannot be determined will be brought to the Board for prior approval.

To determine if Board approval is needed for a specific project, all associated costs, not limited to fees and reimbursable expenses, must be included in the MOA'S.

Contracts for services under the following provisions are exempt from this policy:

1. in an emergency (health-life, safety);

MOA's that have been exempted from this policy will be reported to the Board at the next regular Board Meeting.

(cf. 3300 - Expenditures/Expending Authority)

Contracts between the district and outside agencies shall conform to standards required by law and shall be prepared under the direction of the Superintendent or designee. Contracts, where appropriate, shall be submitted to the legal advisor of the district for review and approval.

A contract for professional and technical services or other purchased services or any amendment to a professional and technical services or other purchased services contract may not be enforced against the District unless its terms have been approved in accordance with Board Policy and Administrative Regulations and unless the contract or amendment(s) to the contract has been verified in writing that there are sufficient funds for the term of the contract.

All contracts, leases, and agreements shall be signed by the Superintendent or designee. The District shall execute all contracts, leases, and agreements.

The district shall not enter into any contract with a person, agency, or organization if it has knowledge that such person, agency or organization discriminates on the basis of race, color, creed, sex, religion, ancestry, national origin, age or nonjob-related handicap or disability, either in employment practices or in the provision of benefits of services to students or employees.

(cf. 0410 - Nondiscrimination in District Programs and Activities)

Legal Reference:

ALASKA STATUTES

[14.08.101](#) Powers

ALASKA ADMINISTRATIVE CODE

[4 AAC 27.085](#) Competitive pupil transportation proposals

[4 AAC 27.100](#) Contractor's duties

[4 AAC 31.065](#) Selection of designers and construction managers

[4 AAC 31.080](#) Construction and acquisition of public school facilities

CODE OF FEDERAL REGULATIONS

[2 C.F.R. 200.317-326](#), Procurement Standards

~~Revised: June 09, 2015~~

~~March 30, 2018~~

Adopted: February 25, 1994

Revised: June 09, 2015

Revised: March 30, 2018

Revised:

Northwest Arctic Borough School District

BP 3315 RELATIONS WITH VENDORS

Note: *The following optional policy should be revised as needed to reflect district philosophy and needs and is intended to avoid situations wherein a conflict of interest exists or appears to exist. [A.S. 11.56.100-11.56.130](#) defines the felony offense of receiving a bribe and the misdemeanor offense of receiving unlawful gratuities. Receiving a bribe includes soliciting or receiving a benefit with the intention or understanding that a public servant's decisions or actions will be influenced. Receiving unlawful gratuities includes soliciting a benefit of any value or accepting any benefit having a value of \$50 or more for performing an official act not entitled to any special or additional compensation.*

No district employee or Board member shall accept personal gifts, commissions or expense-paid trips from individuals or companies selling equipment, materials or services required in the operation of district programs. Gifts include any gift purchased specifically for an employee which is not generally offered to other buyers.

This policy does not prohibit employees from accepting promotional or advertising items such as calendars, desk pads, notebooks and other office gadgets which are offered by business concerns free to all as part of their public relations programs.

District employees who work for or serve as consultants for potential vendors shall not participate in evaluating any equipment, materials or services of that vendor or its competitors.

(cf. 6161.1 - Selection and Evaluation of Instructional Materials)

(cf. 9270 - Conflict of Interest)

This policy does not prohibit the Board from accepting materials and/or services which are of use and benefit to the district.

No employee, officer, or agent of the District may participate in the selection, award, or administration of a contract supported by federal funds if he or she has a real or apparent conflict of interest. Such a conflict of interest would arise when the employee, officer, or agent, any member of his or her immediate family, his or her partner, or organization which employs or is about to employ any of the parties indicated herein, has a financial or other interest in or a tangible personal benefit from a firm consideration for a contract. The employees, officers, and agents of the District may neither solicit nor accept gratuities, favors, or anything of monetary value from contractors or parties to subcontracts.

Universal Service Program/E-Rate Vendors

Note: *The following language should be adopted by those districts receiving E-rate discounts. Effective 2011, the FCC amended its E-rate program rules and adopted*

gift restrictions for schools and districts participating in E-rate. The receipt of gifts by applicants from service providers and potential providers is a competitive bidding violation. The gift prohibitions are always applicable, not just during the bidding process. Relevant school district personnel may not solicit or receive any gift or other thing of value from a service provider participating in or seeking to participate in the E-rate program. There are limited exceptions, including when the value of the item is worth \$20 or less, so long as items do not exceed \$50 per year per employee from any one service provider.

The District takes advantage of federal technology funding through the universal service program known as E-rate. E-rate participants may not, at any time, solicit or accept gifts or other things of value from an existing or potential E-rate service provider. Nominal gifts and refreshments may be allowed as authorized by the Superintendent or designee.

E-rate gift prohibitions apply to the School Board and to employees, consultants or contractors involved in the District's E-rate Program who: prepare, approve, sign, or submit E-rate applications, technology plans or other E-rate forms; prepare bids, communicate, or work with E-rate service providers, E-rate consultants, or the Universal Service Administrative Company; and those responsible for monitoring compliance with the E-rate program.

Charitable donations by service providers in support of the schools are permitted. These contributions may not be directly or indirectly related to E-rate procurement activities or decisions.

The Superintendent or designee shall develop guidelines to implement this policy in compliance with E-rate program rules.

(cf. 3290 - Gifts, Grants and Bequests)

Legal Reference:

CODE OF FEDERAL REGULATIONS

[47 C.F.R. Part 54](#), subpart f, *Universal Service Support for Schools and Libraries*

ALASKA STATUTES

[11.56.100-56.130](#) *Bribery and related offenses*

Adopted: February 25, 1994

Revised: June 05, 2012

Revised:

Northwest Arctic Borough School District