

POLICY 2030

Procurement/Purchasing

- A. All budget expenditures shall be made in accordance with state law, Utah State Procurement Rules and Regulations, and the Box Elder District Procurement Policies.

[Utah Code § 63G-6a Utah Procurement Code](#)
[Utah Admin. Rules R33](#)

- B. Board of Education Authority Regarding Procurement and Contracts

1. The Board of Education has authority to
 - a. manage and supervise any procurement to ensure, to the extent practicable, that taxpayers receive the best value;
 - b. prepare and issue standard specifications for procurement items; and
 - c. review contracts, coordinate contract compliance, conduct contract audits, and approve change orders.
2. The Board of Education may delegate its duties and authorities to an employee of the District as the Board determines is appropriate.
3. At any stage of the procurement process, upon determining that a District procurement is out of compliance with the Utah Procurement Code or governing regulations, the Board of Education or its designee may correct, amend, or cancel the procurement.
4. If at any time during the term of a contract awarded by the District, the Board of Education or its designee determines that the contract is out of compliance with the Utah Procurement Code or governing regulations, the Board of Education or its designee may correct or amend the contract to bring it into compliance or cancel the contract, after consulting with legal counsel, if the Board of Education or its designee determines that correcting, amending, or canceling the contract is in the District's best interest.

[Utah Code § 63G-6a-106\(4\)\(e\), \(g\) \(2021\)](#)

- C. The District will adhere to the Utah Administrative Rule R33 in purchasing, with exceptions noted below. Bidding and procurement procedures are found in procedures 2030-100 through 2030-900.
1. Exclusions — The following items are excluded from the policy:
 - a. The procurement of real property

[Utah Code § 63G-6a-105\(7\) \(2021\)](#) and [§ 63G-6a-1209\(2\) \(2020\)](#)
 - b. Employment contracts or collective bargaining agreements

[Utah Code § 63G-6a-103\(77\)\(c\) \(2024\)](#)
 - c. Grants or contracts between the District and another procurement unit (except for policies relating to improper conduct)

[Utah Code § 63G-6a-107\(1\)\(c\) \(2021\)](#)
 - d. “Directed procurement”

[Utah Code § 63G-6a-105\(8\) \(2021\)](#)
 - e. Grants, gifts, or bequests: notwithstanding procurement policies, the District may comply with otherwise legal terms or conditions of a grant, gift, or bequest.

[Utah Code § 63G-6a-107\(1\)\(b\) \(2021\)](#)
- D. Local firms will be given first consideration on bids if prices and service are competitive. Further, when purchasing on non-bid items, schools and the Board of Education will attempt to purchase locally when prices and service are competitive and product or service is available.
- E. Any person acting in an official capacity for Box Elder School District, or who in any official capacity participates in the procurement of any supplies, services, construction, personal or real property, or insurance, is defined as a purchaser. A vendor is defined as a person who is interested in any way in the sale of a procurement item or insurance to the District.
1. A purchaser shall not use his/her position or influence to ask and/or receive a personal benefit or gratuity (kickback) for themselves or a family member from a vendor in the procurement process.

2. Exceptions to the above include promotional, hospitality items, including pen, pencil, stationery, toy, pin, trinket, snack, nonalcoholic beverage, or appetizer. (Hospitality gifts: This does not include money, a meal, a ticket, admittance to an event, entertainment for which a charge is normally made, travel, or lodging.)
 3. Total value of hospitality gifts cannot exceed \$10 in relation to a particular procurement or contract. The total hospitality gifts offered or received from any one person, vendor, bidder, responder or contractor in a fiscal year cannot exceed \$50.
 4. This is not intended to prohibit asking for offerings or receiving legitimate voluntary contributions to the School District or School District Foundation that are not intended to induce the purchaser to favor or reciprocate to the vendor for the contribution.
 5. All violations must be reported to the Attorney General's office and the Superintendent or Business Administrator.
- F. Employees of the School District and other persons shall not secure for their private use any supplies, equipment, services or real property through the District Purchasing procedures, facilities or warehouse.
- G. Delegation of Authority for Procurement for Box Elder School District and small purchasing policies:
1. Delegation of Authority for the Chief Procurement Officer by the Board of Education

[Utah Admin. Rules R33-103-101](#)

- a. The Board of Education delegates the authority of Chief Procurement Officer to the Business Administrator. They also delegate to the School Lunch and Transportation Coordinators and the Maintenance Director to make any purchases within their approved budget up to \$50,000. These departments must follow all policies outlined herein as well as all district procedures. All solicitations for competition on purchases over \$50,000 must be reviewed by the Business Administrator. **All solicitations for competition on purchase over \$15,000 must be reviewed by the Board of Education.** The Business Administrator may delegate in writing any authority pursuant to [Utah Code § 63G-6a-304](#) as deemed appropriate to any employees. These delegations shall remain in effect unless modified or until revoked in writing.

- b. Authority to Make Small Purchases – Delegation to program directors and procedures for purchases from \$10,000 to \$50,000.

[Utah Admin. Rules R33-105-103](#)

- c. General - The Business Administrator may delegate to any program director the authority to make a budgeted purchase expected to be less than \$50,000 for supplies and services. This delegation shall be in writing and may be limited as the Business Administrator directs.
- d. Insofar as is practical for services up to \$50,000, no fewer than two businesses shall be solicited to submit electronic, telephone or written quotations. Documentation should be attached to the requisition and maintained with the file on the project. All purchases over \$50,000 must be handled through the formal bid process including advertising. All sole source purchases over \$50,000 shall be posted for public comment.

[Utah Code § 63G-6a-802 \(2024\)](#)

- e. When procurement of Architect-Engineer Services is estimated to be less than \$100,000 for the Architect-Engineer's fee, the Business Administrator may select the provider directly from either the list of firms who have submitted annual statements of qualifications and performance data, or from other qualified firms if necessary.

[Utah Admin. Rules R33-105-104](#) and [Utah Code § 53E-3-703 \(2019\)](#)

- f. Small construction projects costing less than \$25,000 may be procured by direct award without seeking competitive bids. Projects between \$25,000 and \$100,000 may be procured after obtaining two competitive bids that meet all specifications as documented.
- g. All projects estimated to be over \$100,000 using a construction manager /general contractor must follow requirements as outlined in [Utah Code § 53E-3-703](#). All construction and improvement projects must comply with [Utah Code § 63G-6a](#), [Utah Admin. Rules R33](#), and Federal Title IX.
- h. Multiyear contracts shall be approved by the Business Administrator after determining they are in the best interest of the District. They must include the term and possible renewals with conditions for renewal. Consideration for multiyear contracts should include administrative burden savings, continuity of operations, volume or term discount, or encouraging participation from more

vendors. Multiyear contracts shall not exceed five (5) years except by written determination with justification as outlined in state law. [Utah Code § 63G-6a-1204\(7\) \(2021\)](#). All requirements for contracts using federal funds shall follow federal rules and guidelines.

[Utah Code § 63G-6a-1204 \(2021\)](#)

H. Public Notices

[Utah Code § 63G-6a-112 \(2021\)](#)

1. Invitation for Bids or notices of the availability of Invitation for Bids shall be ~~mailed or otherwise~~ furnished to a sufficient number of bidders for the purpose of securing reasonable competition. Notices of availability shall indicate where, when, and for how long Invitation for Bids may be obtained; generally describe the supply, service, or construction desired; and may contain other appropriate information. Where appropriate, the Business Administrator may require payment of a fee or a deposit for the supplying of the Invitation for Bids.
2. Every procurement in excess of \$50,000 shall be publicized in at least one of the following: (with construction projects following 1.e. above)
 - a. On the district website; or
 - b. A government Internet website or publication designed for giving public procurement notice.
3. The notice shall be published at least seven days before the day of the deadline for submitting a bid or other response, or at least seven days before the acquisition of the procurement item through a non-standard procurement process. This notice period may be reduced if the District Procurement Officer or his or her designee signs a written statement that a shorter time is needed and that it has been determined that competition from multiple sources may be obtained within that shorter time period.
4. A copy of the Invitation for Bids shall be made available for public inspection at the Business Administrator's or department director's office.

I. Small Purchases of \$10,000 or less

[Utah Admin. Rules R33-105-102](#)
[Utah Code § 63G-6a-506\(1\)\(b\) \(2021\)](#)

1. School and department budget purchases under \$100 may be made using a District credit card and following procedures set forth by the District. For all District budget purchases from \$100 up to \$2,500 per item and up to \$5,000 per order, the school or department may select the best source ~~without seeking from at least 2~~ competitive quotes and submit the request on a requisition*. For purchases over \$2,500 per item and up to \$10,000 per order, schools and departments shall make a good faith effort to obtain no less than three email or telephone price quotes which shall be attached to the requisition*. For purchases over \$10,001 and up to \$20,000, schools and departments shall obtain no less than three email or written price quotes which shall be attached to the requisition*. For purchases from school funds, the above purchasing procedures must be followed and documentation maintained with payment records. Unless previously authorized, requests for all purchases over \$10,000 (including school funds), capitalized equipment (over \$5,000) and sole source purchases exceeding \$2,500 shall be submitted to the Box Elder School District Purchasing Department on a requisition in advance for processing.

*A District credit card may be used for purchases over \$100 in certain situations with prior approval of the District business administrator.

2. It is unlawful to intentionally divide a procurement into one or more small purchases over time to avoid the price quote provision above or purchasing procedure limits on the District credit cards or other restrictions.

[Utah Code § 63G-6a-506\(8\), \(9\) \(2021\)](#)

3. If a total fiscal year purchase from any one vendor exceeds \$50,000, the District purchasing department will solicit competition and create an ongoing contract with the winning vendor.

[Utah Code § 63G-6a-506\(6\)\(a\) \(2021\)](#)

[Utah Admin. Rules R33-105-102](#)

Refer to [District Purchasing Procedures 2030-020 through 2030-310](#).