

## MEMORANDUM

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**TO:** NWABSD Board of Education  
Members

**DATE:** March 8, 2024

**NUMBER:** 24-090

**FR:** Office of the Superintendent

**SUBJECT:** Approval of Proposed  
Revisions to BP 3312  
Contracts/Memoranda of  
Agreements; Second  
Reading

### **STRATEGIC PLAN/BOARD GOAL:**

Track 1: Operational Improvements  
*Initiative: Optimize Business Practices*

### **ABSTRACT:**

Board policy revisions require Board approval.

### **ISSUE:**

At issue is to approve the second reading of the proposed revisions to BP 3312 Contracts/Memoranda of Agreements.

### **BACKGROUND AND/OR PERTINENT INFORMATION:**

The Superintendent/designee presents drafts or suggestions for board policy revisions when the law changes or specific needs occur. Policy revisions shall normally be given two readings prior to adoption by the Board.

This is the second reading of the proposed revisions to BP 3312 Contracts/Memoranda of Agreements within the Business and Non-Instructional Operations series of Board Policy.

This update includes a provision that states an agreement, or a contract may not be enforced by a district unless it was validly entered into under District policy. It also requires that the Superintendent or designee sign all Contracts/Memoranda of Agreements entered into by the District.

The Board Policy Committee reviewed the proposed changes and recommends approval.

### **ALTERNATIVES:**

1. Approve the second reading of the proposed revisions to BP 3312 Contracts/Memoranda of Agreements as presented;
2. Do not approve the second reading of the proposed revisions to BP 3312 as presented;
3. Take no final action.

### **ADMINISTRATION'S RECOMMENDATION:**

The administration recommends the Board approve the second reading of the proposed revisions to BP 3312 Contracts/Memoranda of Agreements as presented.

## 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**