

PURCHASING AND ACQUISITION

CH
(LOCAL)

**Purchasing
Authority**

The Board delegates to the Superintendent the authority to determine the method of purchasing, in accordance with CH(LEGAL) or CBB(LEGAL), as appropriate, and to make budgeted purchases for goods and services. However, any single budgeted purchase for goods or services that costs \$50,000 or more shall require Board approval before a transaction may take place.

Exception

Any single budgeted purchase for goods or services that costs more than \$50,000 shall not require Board approval when the purchase is made pursuant to:

1. A contract awarded to a Board-approved respondent to a solicitation for a competitive bid or a request for qualifications;
2. A cooperative purchasing program, in accordance with state law;
3. An interlocal agreement, in accordance with Government Code 791.001 and 791.011; or
4. A contract through the State of Texas Procurement Program, in accordance with law. [See CH(LEGAL)]

However, the Board shall be notified of any purchase for goods or services under this exception that costs more than \$100,000.

**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)]

**Micro-purchase
Threshold**

The Board delegates to the Superintendent the authority to self-certify the micro-purchase threshold for federally funded purchases to \$~~49,999.99~~ 99-\$99,999.99, as allowed by law. [See CBB(LEGAL)] Purchases must be approved in accordance with the provisions at Purchasing Authority, above.

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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]
Competitive Bidding	<p>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. All bids shall be advertised in accordance with law.</p> <p>The District may reject any and all bids in accordance with state or federal law, as applicable.</p>
<i>Solicitation for Goods and Services</i>	Bids submitted in response to a competitive solicitation for similar categories of goods or services valued at \$50,000 \$100,000 or more in the aggregate for each 12-month period shall be presented to the Board for consideration and final approval. The Superintendent shall have the authority to approve all other bids.
Award and Execution of Contracts	Contracts for services that exceed \$100,000 shall be presented to the Board for approval and award regardless of the purchasing method, except that contracts utilizing the District's Contracted Services Agreement shall not require Board approval. The Superintendent shall have the authority to approve all other contracts.
Emergency Approval of Bid or Contract	It shall be considered an emergency for the purposes of this policy if the approval of a bid or execution of a contract is critical to the progress and/or completion of an existing project and such approval and/or execution cannot be made by the Board at a regular Board meeting prior to the date on which services must begin or goods must be procured. In such an emergency, the Superintendent shall be authorized to approve, award, and/or execute any bid or contract, except when state or federal law requires Board approval. Any bid awarded under this provision shall be reported to the Board by the Superintendent.
Competitive Sealed Proposals	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,

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may be negotiated after proposals are opened. All bids shall be advertised in accordance with law.

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.