

DRAFT UPDATE

Mid-Valley Special Education Cooperative

4:60

Operational Services

Purchases and Contracts

The Executive Director shall manage the Cooperative's purchases and contracts in accordance with State law, the standards set forth in this policy, and other applicable Advisory Board policies.

Standards for Purchasing and Contracting

All purchases and contracts shall be entered into in accordance with State law. The Advisory Boards Attorney shall be consulted as needed regarding the legal requirements for purchases or contracts. All contracts shall be approved or authorized by the Advisory and Administrative Agent Boards.

All purchases and contracts should support a recognized Cooperative function or purpose as well as provide for good quality products and services at the lowest cost, with consideration for service, reliability, and delivery promptness, and in compliance with State law. No purchase or contract shall be made or entered into as a result of favoritism, extravagance, fraud, or corruption.

Adoption of the annual budget authorizes the Executive Director or designee to purchase budgeted supplies, equipment, and services, provided that State law is followed. Purchases of items outside budget parameters require prior Advisory and Administrative Agent Boards approval, except in an emergency.

When presenting a contract or purchase for Board approval, the Executive Director or designee shall ensure that it complies with applicable State law, including but not limited to, those specified below:

1. Supplies, materials, or work involving an expenditure in excess of \$25,000 must comply with the State law bidding procedure, 105 ILCS 5/10-20.21, unless specifically exempted.
2. Construction, lease, or purchase of school buildings must comply with State law and Board policy 4:150, *Facility Management and Building Programs*.
3. Guaranteed energy savings must comply with 105 ILCS 5/19b-1 et seq.
4. Third party non-instructional services must comply with 105 ILCS 5/10-22.34c.
5. Goods and services that are intended to generate revenue and other remunerations for the Cooperative in excess of \$1,000, including without limitation vending machine contracts, sports and other attire, class rings, and photographic services, must comply with 105 ILCS 5/10-20.21. The Executive Director or designee shall keep a record of: (1) each vendor, product, or service provided, (2) the actual net revenue and non-monetary remuneration from each contract or agreement, and (3) how the revenue was used and to whom the non-monetary remuneration was distributed. The Executive Director or designee shall report this information to the Advisory and Administrative Agent Boards by completing the necessary forms that must be attached to the Cooperative's annual budget.
6. Any contract to purchase food with a bidder or offeror must comply with 105 ILCS 5/10-20.21(b-10).
- ~~6.7.~~ The purchase of paper and paper products must comply with 105 ILCS 5/10-20.19c and Board policy 4:70, *Resource Conservation*.
- ~~7.8.~~ Each contractor with the Cooperative is bound by each of the following:
 - a. In accordance with 105 ILCS 5/10-21.9(f): (1) prohibit any of its employees who is or was found guilty of a criminal offense listed in 105 ILCS 5/10-21.9(c) and 5/21B-80(c) to have direct, daily contact at a Cooperative school or school-related activity with one or more student(s); (2) prohibits any of the contractor's employees from having direct, daily contact with one or more students if the employee was found guilty of any offense in

Comment [APowell1]:
105 ILCS 5/10-20.21(b-10),
added by P.A. 99-552
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5/21B-80(b) (certain drug offenses) until seven years following the end of the employee's sentence for the criminal offense; and (23) require each of its employees who will have direct, daily contact with student(s) to cooperate during the Cooperative's fingerprint-based criminal history records check on him or her.

- a. In accordance with 105 ILCS 5/24-5: (1) concerning each employee who begins providing services in the Cooperative after June 16, 2014, provide the Cooperative with evidence of physical fitness to perform the duties assigned and freedom from communicable disease if the employee will have direct, daily contact with one or more student(s); and (2) require any new or existing employee who has and will have direct, daily contact with one or more student(s) to complete additional health examinations as required by the Cooperative and be subject to additional health examinations, including tuberculosis screening for pre-school staff only, as required by the Illinois Department of Public Health rules or order of a local health official.

The Executive Director or designee shall ensure that the Administrative Agent shall: (1) execute the reporting and website posting mandates in State law concerning Cooperative contracts, and (2) monitor the discharge of contracts, contractors' performances, and the quality and value of services or products being provided, as may be required by law.

LEGAL REF.: 105 ILCS 5/10-20.19c, 5/10-20.21, 5/10-21.9, 5/10-22.34c, 5/19b-1 et seq., and 5/24-5.
820 ILCS 130/.

CROSS REF.: 2:100 (Board Member Conflict of Interest), 4:70 (Resource Conservation), 4:150 (Facility Management and Building Programs), 4:175 (Convicted Child Sex Offender; ~~Criminal Background Check and/or Screening~~; Notifications)

ADOPTED: November 5, 2014

Comment [APowell2]:

Updated in response to 105 ILCS 5/21B-80, amended by P.A. 99-667.

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Comment [APowell3]:

See 5:30-AP2, *Investigations*, for a list of offenses that disqualify an individual from having direct, daily contact with one or more students until seven years following the end of the individual's sentence for the criminal offense.

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