

**GOVERNING BOARD AGENDA ITEM  
AMPHITHEATER UNIFIED SCHOOL DISTRICT NO. 10**

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**DATE OF MEETING:** June 21, 2010

**TITLE:** Review of Proposed Revisions to Policy DJE Regarding Bidding/Purchasing Procedures.

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**BACKGROUND:**

Governing Board Policy DJE Regarding Bidding/Purchasing Procedures was last revised on January 13, 2009.

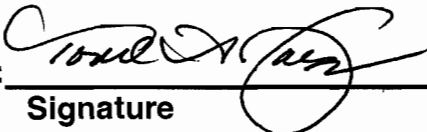
Recent legislation has increased the sealed bid threshold from approximately \$32,000 to a flat rate of \$50,000.

A draft of proposed revisions to Governing Board Policy DJE which would implement this increase is attached for the Board's review.

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**RECOMMENDATION:** The proposed revisions are presented to the Board for its study and discussion only at this time. Revisions to Policy DJE will be presented to the Board for approval on July 1, 2010.

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<b>INITIATOR:</b>		Todd A. Jaeger	6/15/2010
	<b>Signature</b>	<b>Name/Title</b>	

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**ASSOCIATE SUPERINTENDENT  
SIGNATURE:**

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**SUPERINTENDENT SIGNATURE:**



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**D-2750                      DJE**  
**BIDDING / PURCHASING PROCEDURES**

The Superintendent shall be responsible for all purchasing, contracting, competitive bidding and sealed proposals, and receiving and processing of all bid protests, in accordance with the Arizona school district procurement rules, including A.A.C. R7-2-1141 et seq. A contract shall not be awarded to an entity that does not verify employment eligibility of each employee through the E-verify program in compliance with A.R.S. 23-214 subsection A. Each contract shall contain the warranties required by A.R.S. 41-4401 relative to the E-verify requirements.

**Purchases Not Requiring Bidding**

Purchases of five thousand dollars (\$5,000) or less may be made at the discretion of the Superintendent.

Verbal price quotations will be requested from at least three (3) vendors for a transaction in excess of five thousand dollars (\$5,000) but less than fifteen thousand dollars (\$15,000). The price quotations should be shown on, or attached to, the related requisition form. If three (3) verbal quotations cannot be obtained, documentation showing the vendors contacted that did not offer price quotations, or explaining why price quotations were not obtained, shall be maintained on file in the District office.

Written price quotations will be requested from at least three (3) vendors for transactions of at least fifteen thousand dollars (\$15,000) but not more than the amount established by the State Board of Education for requiring sealed bids for procurement of construction, materials, or services. If three (3) written price quotations cannot be obtained, documentation showing the vendors contacted that did not offer written price quotations, or explaining why written price quotations were not obtained, shall be maintained on file in the District office.

**Purchases Requiring Bidding**

Sealed bids will be requested for transactions to purchase construction, materials, or services costing more than ~~thirty~~ fifty thousand dollars (~~\$30,000~~) (\$50,000), ~~or the annual revision of the amount calculated by the State Board of Education and made applicable for the year in which the transaction will occur ("the Annual State Board Limit")~~. All transactions must comply with the requirements of the Arizona Administrative Code and the Uniform System of Financial Records. The Superintendent, the chief financial officer, or purchasing manager may award individual contracts in amounts not exceeding the annual State Board limit. Exceptions to this limitation may be made for contracts for the following which may be awarded for the amount(s) necessary to satisfy the requirements of the District:

- U.S. Postal Service postage;
- Utilities, including telephone, water and sewage, electric and natural gas;
- National School Board Association; and
- Arizona School Board Association.

The authority granted by this section cannot be further delegated or expanded without Governing Board approval.

### **Competitive Sealed Proposals**

The Governing Board delegates authority to the Superintendent or chief financial officer to determine when it is in the best interest of the District to solicit competitive sealed proposals for the supply of materials and/or services and to subsequently solicit the sealed proposals if necessary. The Superintendent or chief financial officer may delegate this authority to the purchasing manager. Determinations made pursuant to this delegated authority shall be made in accordance with the following procedures. Solicitations of proposals and awards of contracts following receipt of proposals shall be made in accordance with Arizona Department of Education Procurement Rules.

If it is determined in writing that the use of competitive sealed bidding is either not practicable or not advantageous to the District, a contract may be entered into by competitive sealed proposals. Contracts in excess of the annual State Board limit which occur as a result of competitive sealed proposals shall be awarded through Governing Board action.

### **Cooperative Purchasing Agreements**

Bidding/proposal requirements are waived if purchases or services are obtained through the Arizona State Procurement Office, the Mohave Educational Services Cooperative, or through another purchasing cooperative or cooperative purchasing agreement among public procurement units.

### **Further Delegations and General Terms of Delegation**

The Superintendent or chief financial officer are delegated authority to make determinations as required by the Arizona Department of Education Procurement Rules prior to issuing solicitations for multi-step sealed bidding, multi-year contracts (not to exceed five [5] contract years) or nonconstruction contracts requiring bonds or security. The delegation of authority for these three (3) determinations may be further delegated to the purchasing manager.

The chief financial officer shall serve as the District representative for protests and claims on solicitations and contracts.

No further delegation of any delegation of authority by the Board which is contained in this policy is authorized unless expressly stated herein.

The several delegations of authority set forth in this policy shall be in effect from the date of adoption of this policy until such time as the Governing Board may, in a public meeting, revoke or otherwise modify the delegations.

No person delegated authority by this policy may participate in any aspect of a specific procurement if that person would receive any benefit directly or indirectly from a contract for such procurement.

### **Emergency Purchases**

An exception to the above procedures for price competition may be made in the event of an emergency involving the health, safety, or welfare of school personnel or students, or in the event of a condition which seriously threatens the functioning of the School District or the preservation or protection of property. In such an emergency, declared by the Superintendent in consultation with the Board President or any other available Board member, emergency purchase action may be taken without price competition, if necessary. The Superintendent shall report the emergency to the Board as soon as possible. When possible, an emergency meeting of the Governing Board shall be held to determine whether an emergency exists and to authorize an emergency purchase. Even under emergency conditions, price competition should be sought if it will not unacceptably delay the correction of the condition requiring emergency procedures. If emergency purchases are made without price competition, a complete written description of the circumstances should be maintained on file in the District office.

### **Registered Sex Offender Prohibition**

All purchase orders, agreements to purchase, and contracts for services to be provided by personnel other than District employees must include the following statement on the document:

**Registered Sex Offender Restriction.** *Pursuant to this order, the named vendor agrees by acceptance of this order that no employee of the vendor or a subcontractor of the vendor, who has been adjudicated to be a registered sex offender, will perform work on District premises or equipment at any time when District students are, or are reasonably expected to be, present. The vendor further agrees by acceptance of this order that a violation of this condition shall be considered a material breach and may result in a cancellation of the order at the District's discretion.*

### **Required Scrutinized Business Operations Clause**

All contracts for District purchase of goods or services shall include a clause requiring the contractor offering the goods or services to certify that the contractor does not have scrutinized business services in Sudan nor in Iran.

The District through the Superintendent shall:

- Verify that the offeror does not appear on the most recent list prepared by the Arizona Central Procurement Officer of parties excluded from Arizona contracts.
- Notify the State Central Procurement Officer of any contractor the District suspects has submitted a false certification.

Adopted: August 9, 2005  
Revised: January 13, 2009 \_\_\_\_\_

LEGAL REF.: A.R.S. 15-213  
15-910.02  
23-214  
35-391 et seq.  
35-393. et seq.  
38-511  
41-2632  
41-4401  
A.G.O.I83-136  
A.A.C.R7-2-1001 et seq.  
U.S.F.R. VI-G-8

CROSS REF.: JLIF - Sex Offender Notification  
DJG - Vendor/Contractor Relations