

## Policy:4.60

### Section: 400: Operational Services

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## Purchases and Contracts

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The Superintendent shall manage the District's purchases and contracts in accordance with State law, the standards set forth in this policy, and other applicable Board policies or administrative regulations.

All purchases and contracts shall be entered into in accordance with applicable federal and State law. The General Counsel must review all contracts regarding the legal requirements for purchases or contracts. In the event a bid or contract is recommended to the Board from an individual or entity other than the lowest Responsible Bidder, the administration shall consult with the General Counsel and submit a written rationale to the Board in support of this recommendation.

All purchases and contracts should support a recognized District 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 Superintendent or designee to purchase budgeted supplies, equipment, and services, provided that State law is followed.

Budgeted Contracts Over \$35,000 require prior approval by the Board, except in an emergency. When presenting a contract or purchase for Board approval, the Superintendent or designee shall ensure that it complies with applicable federal and State law, including but not limited to, those specified below:

1. Supplies, materials, or work involving an expenditure in excess of \$35,000 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 District 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 Superintendent 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 Superintendent or designee shall report this information to the Board by completing the necessary forms that must be attached to the District'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).
7. The purchase of paper and paper products must comply with 105 ILCS 5/10-20.19c and Board Policy 4.70 *Resource Conservation*.
8. Each contractor with the District 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 5/21B- 80 to have direct, daily contact at a District school or school-related activity with one or more student(s); and (2) require each of its employees who will have direct, daily contact with student(s) to cooperate during the District's fingerprint-based criminal history records check on him or her.
  - b. In accordance with 105 ILCS 5/22-94: (1) prohibit any of its employees from having direct contact with children or students if the contractor has not performed a sexual misconduct related employment history review (EHR) of the employee or if the District objects to the employee's assignment based on the employee's involvement in an instance of sexual misconduct as provided in 105 ILCS 5/22-94(j)(3), which the contractor is required to disclose; (2) discipline, up to and including termination or denial of employment, any employee who provides false information or willfully fails to disclose information required by the EHR; (3) maintain all records of EHRs and provide the District access to such records upon request; and (4) refrain from entering into any agreements prohibited by 105 ILCS 5/22-94(g).
  - c. In accordance with 105 ILCS 5/24-5: (1) concerning each employee who begins providing services in the District after June 16, 2014, provide the District with evidence of physical fitness to perform the duties assigned and freedom from communicable disease ; and (2) require any new or existing employee who provides services to student(s) or in schools to complete additional health examinations as required by the District and be subject to additional health examinations, including tuberculosis screening, as required by the Illinois Dept. of Public Health rules or order of a local health official.
9. Any pavement engineering project using a coal tar-based sealant product or high polycyclic aromatic hydrocarbon sealant product for pavement engineering-related use must comply with the Coal Tar Sealant Disclosure Act.
  10. Design-build contracts must comply with 105 ILCS 5/15A-1 et seq/.
  11. Any new contract for a district-administered assessment must comply with 105 ILCS 5/10-20.86.
  12. Purchases made with federal or State awards must comply with 2 C.F.R. Part 200 and 30 ILCS 708/, as applicable, and any terms of the award.

"Responsible Bidder" means a person or entity who has the capability in all respects to perform fully the contract requirements and the integrity and reliability that will assure good faith performance. A responsible bidder shall not include a business or other entity that does not exist as a legal entity at the time a bid or offer is submitted for a District contract. In reviewing bids for construction projects, the District shall consider all documents/information submitted including, but not limited to: (1) overall bid quality & accuracy to the construction documents and specifications; (2) past performance on similar projects; (3) submission of required certifications/documents such as bid and/or performance bonds, insurance certificates, bid rigging certification, minority and women owned business disclosure, certificate regarding department or other exclusion, certificate regarding lobbying, OFAC compliance, vendor conflict of interest disclosure, certified cleared employee list, asbestos notification; (4) evidence of participation in apprenticeship and training programs applicable to the work to be performed, which are approved by and registered with the U.S. Department of Labor's Office of Apprenticeship; and (5) documents evidencing the bidder's commitment to diversity, equity, and inclusion (DEI) in business and workforce practices. Examples include but are not limited to: a copy of the bidder's Disadvantaged Business Enterprise (DBE), Business Enterprise Program (BEP), or similar certification issued by a governmental agency or bona fide nonprofit organization; if the bidder is not a M/W/PBE firm, a copy of the company's DEI policy or similar policies; information pertaining to the bidder's diverse business and workforce practices or achievements, for example, documentation of current contracts with DBE subcontractors or BEP vendors for materials and/or supplies; or other relevant DEI information.

The Superintendent or designee shall implement administrative regulations consistent with this Policy and state law.

The Superintendent or designee shall manage the execution of District contracts, including:  
(1) complying with the requirements concerning listing certain expenditures in the Annual Statement of Affairs, (2) listing on the District's website all contracts in excess of \$35,000, and any contracts with an exclusive bargaining representative, and (3) monitoring the discharge of contracts, contractors' performances, and the quality and value of services or products being provided.

The Rockford Public School District is an Equal Opportunity Employer and the Superintendent shall encourage bids or proposals from any company or individual regardless of race, gender, national origin, religion, or age.

Cross References:

[2.100 - Board Member Conflict of Interest](#)  
[4.70 - Resource Conservation](#)  
[4.150 - Facility Management and Expansion Programs](#)  
[4.175 - Convicted Child Sex Offender; Criminal Background Check and/or Screen; Notifications](#)  
[5.90 - Abused and Neglected Child Reporting](#)

Legal References:

[2.C.F.R Part 200](#)  
[105 ILCS 5/10-20.19c](#)  
[105 ILCS 5/10-20.21](#)  
[105 ILCS 5/10-21.9](#)  
[105 ILCS 5/10-22.34c](#)  
[105 ILCS 5/10-20.44](#)  
[105 ILCS 5/19b-1 et seq](#)  
[105 ILCS 5/22-94](#)  
[105 ILCS 5/24-5](#)  
[30 ILC 708/, Grant Accountability and Transparency Act](#)  
[410 ILCS 170/, Coal Tar Sealant Disclosure Act;](#)  
[820 ILCS 130/ Prevailing Wage Act](#)

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