

PURCHASING AND ACQUISITION

CH
(LOCAL)

**Purchasing
Authority**

The Board delegates to the Superintendent the authority to make budgeted purchases for goods or services. However, any single, budgeted purchase of goods or services that costs \$100,000 or more, regardless of whether the goods or services are competitively purchased, shall require Board approval before a transaction may take place. The Board delegates to the Superintendent or designee the authority to amend contracts for goods and services that do not increase the original contract price by more than \$50,000 and to execute documents to effectuate such on behalf of the District. If any amendment would bring a contract over \$100,000, that contract must be presented to the Board for approval.

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)]

The Board delegates to the Superintendent the ability to conduct an emergency procurement when sudden and unexpected circumstances that could not reasonably be foreseen require action to prevent serious damage to the public health, safety, or welfare of District student, staff, or community. When this stringent standard is met, the procurement officer needs the approval of only the Superintendent to award the contract. The procurement officer shall report to the Board at the next regular meeting any procurement made under this authority.

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]

Purchasing Method

The Board delegates to the Superintendent the authority to determine the method of purchasing in accordance with CH(LEGAL) or CBB(LEGAL), as appropriate.

*Competitive
Bidding*

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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.

The District may reject any and all bids in accordance with state or federal law, as applicable.

*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, may be negotiated after proposals are opened.

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.

Contract Files

All contracts and agreements for the purchase or sale of goods and services shall be signed by an authorized representative for the District and shall be filed in the purchase order system or, when

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a purchase order is not required, shall be filed in the office of the director of procurement services.

Personal Purchases

District employees shall not be permitted to make purchases for personal use through the District's business office.

Hearing Officer

The Board designates the Superintendent as the hearing officer to hear cases under the policy. The Board reserves the right to hear or review any cases assigned to the hearing officer.

Approval of Certain Settlement Agreements by the Superintendent

The Superintendent may negotiate, approve, and execute the following types of agreements on behalf of the District without obtaining Board approval:

1. Vendor or employee-related settlement agreements valued below \$5,000.
2. Special education-related settlement agreements below \$5,000.

Library Material Vendors

"Library material vendor" includes any entity that sells library materials to a public primary or secondary school.

"Sexually explicit material" means any communication, language, or material including a written description, illustration, photographic image, video image, or audio file, other than library material directly related to the curriculum required under Education Code 28.002(a), that describes, depicts, or portrays sexual conduct, as defined by Penal Code 43.25, in a way that is patently offensive, as defined by Penal Code 43.21.

"Sexually relevant material" means any communication, language, or material, including written description, illustration, photographic image, video image, or audio file, other than library material directly related the curriculum required under Education Code 28.002(a), that describes, depicts, or portrays sexual conduct, as defined by Penal Code 43.25.

Not later than April 1, 2024, library material vendors shall not sell library materials to the District unless the vendor has issued appropriate ratings regarding sexually explicit material and sexually relevant material previously sold to a Texas school district or school.

Not later than April 1, 2024, library material vendors shall not sell library material rated sexually explicit material to the District and shall issue a recall for all copies of library material sold to the District that is:

1. Rated sexually explicit material; and
2. In active use by the District.