

## Document Status: Draft Update

### 4:60 Purchases and Contracts

The Superintendent shall manage the District's purchases and contracts in accordance with Illinois law, the standards set forth in this policy, and other applicable Board of Education policies.

#### Standards for Purchasing and Contracting

All purchases and contracts shall be entered into in accordance with Illinois law. All contracts shall be approved or authorized by the Board of Education.

It shall be the responsibility of the Superintendent, or through his/her designated representative, to ensure that all qualified suppliers have the opportunity to bid or offer for sale quality products and services to the District. The Board of Education will be guided by the principle that the District should receive the best quality merchandise and services at the lowest cost, with consideration for service, reliability, and delivery promptness, and in compliance with Illinois law.

Transactions relating to the expenditure of public funds require the highest degree of public trust to protect the interests of the District. Therefore, all employees of the District will:

- A. Represent all District constituents honestly and equally and refuse to surrender his/her responsibilities to special interest or partisan political groups;
- B. Avoid any conflict of interest or the appearance of impropriety, which could result from his/her position, and shall not use his/her employment with the District for personal gain or publicity; and
- C. Conduct sound business practices, which ensure that every dollar spent produces maximum benefit for the students and cost efficiencies of the District.

The Assistant Superintendent for Finance and Operations or his/her designee shall be responsible for managing the performance and discharge of all contracts, including assessing the quality and value of services and products provided. It shall be the responsibility of the Superintendent through the Assistant Superintendent for Finance and Operations or his/her designee to maintain vendor lists in the Business Office.

Each contractor with the District is bound by each of the following:

1. 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 District 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 [5/21B-80\(b\)](#) (certain drug offenses) until seven years following the end of the employee's sentence for the criminal offense; and (3) 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.
2. In accordance with 105 ILCS 5/24-5: (1) concerning each [new employee of a contractor that provides services to students or in schools who begins providing services in the District after June 18, 2011](#), [PRESSplus1](#) provide the District 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 District and be subject to additional health examinations, including tuberculosis screening, as required by the Illinois Department of Public Health rules or order of a local health official.

The District shall list all expenditures and contracts as required in the Annual Statement of Affairs and list on the District's website all contracts in excess of \$25,000 and any contracts with an exclusive bargaining representative. The Assistant Superintendent for Finance and Operations or his/her designee shall adhere to all Illinois legal requirements for purchases and the following procedures when requesting Board approval for contracts or purchases:

#### A. Purchases Subject to Competitive Bidding

All contracts for the purchase of supplies, materials, or work, or contracts with private carriers for transportation of pupils, involving an expenditure in excess of \$25,000, except those specifically exempted by [Section 10-20.21](#) of the School Code, shall be subject to the bid process set forth in [Section 10-20.21](#). The Assistant Superintendent for Finance and Operations or his/her designee shall guarantee due (e.g., sufficient and adequate) advertisement for bids for the sale of those goods and services required by the District.

In accordance with due advertisement and bidder notification requirements of [Section 10-20.21](#) of the School Code, due (e.g., sufficient and adequate) advertisement for bids shall include, but is not limited to: one (1) public notice at least ten (10) days before the bid date in a newspaper or newspapers of general circulation within the District; (2) publication on the District's website; and (3) mail, phone or fax publication to vendors. In addition to such public advertisement, bids may be solicited directly from such persons who may be deemed, reliable and competent to furnish the item or items required.

All bids must be sealed by the bidder and must be opened by the Assistant Superintendent for Finance and Operations or his/her designee at a public bid opening at which the contents of the bids must be announced. Each bidder must receive three (3) days' notice of the time and the place of the bid opening. The Board of Education shall award the contract to the lowest, responsible bidder considering conformity with specifications, term of delivery, quality and serviceability. The Board of Education reserves the right to reject any or all bids.

Any contract to purchase food with a bidder or offeror must comply with [105 ILCS 5/10-20.21\(b-10\)](#).

#### B. Purchases Not Subject to Competitive Bidding

1. All contracts for the purchase of goods, services, supplies, materials, or work involving an expenditure of less than \$3,500 within a fiscal year, supported by the adopted budget and not subject to competitive bid as required by the School Code, may be made by the Assistant Superintendent for Finance and Operations or his/her designee without advertising of bids and without prior Board approval. The Board of Education will be asked to ratify the contract expenditure during the routine approval of bills.

All contracts and agreements for goods and services that are intended to generate revenue and other remunerations for the District in excess of \$1,000, including without limitation: (1) vending machine contracts; (2) sports and other attire; (3) class rings; and (4) photographic services, shall be approved by the Board of Education. For such contracts and agreements, the Assistant Superintendent of Finance and Operations 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 Assistant Superintendent of Finance and Operations shall report this information to the Board of Education by completing the necessary forms that must be attached to the District's annual budget.

2. The Assistant Superintendent of Finance and Operations or his/her designee may enter into contracts for the purchase of goods, services, supplies, materials, or work involving an expenditure between \$3,500 and \$25,000 without prior Board approval. Prior to making the expenditure between \$3,500 and \$25,000, the Assistant Superintendent of Finance and Operations shall secure three price quotations or bids. The Board of Education will be asked to ratify the contract expenditure during the routine approval of bills.

#### C. Procurement of Architectural, Engineering or Land Surveying Services

It shall be the policy of the Board to negotiate and enter into contracts for architectural, engineering and land surveying services on the basis of demonstrated competence and qualifications for the type of services required and at a fair and reasonable price. When procuring architectural, engineering, or land surveying services of \$25,000 or more, that Board of Education shall comply with the RFP process set forth in the Local Government Professional Services Selection Act, ([50 ILCS 510/1 et seq.](#)). Periodically, the Administration shall establish procedures to review the demonstrated competence and qualifications for the type of services required.

#### D. Emergency Purchases

The Board recognizes that situations may arise where there is a need for an emergency purchase. In order to ensure the safety and well-being of all District students and personnel, and further provide the District's educational program to students with minimal or no interruption, the Superintendent and/or the Assistant Superintendent for Finance and Operations will determine whether a specific expenditure rises to the level of an emergency. Following this determination, the Assistant Superintendent for Finance and Operations or his/her designee will inform the Board of Education and Superintendent of such need and the Board of Education will vote to approve the expenditure. If the emergency expenditure is approved by  $\frac{3}{4}$  of the members of the Board of Education, the Board will authorize the Superintendent or the Assistant Superintendent of Finance and Operations to proceed with the emergency purchase. In the event the Administration is unable to contact three-fourths ( $\frac{3}{4}$ s) of the members of the Board of Education, the Board of Education authorizes the Superintendent to proceed with the identified work.

In the event the emergency expenditure is under the statutory bid limit as referenced above, the Assistant Superintendent for Finance and Operations may, at his/her discretion, procure three (3) written price quotations from prospective vendors/service providers to ensure the District receives the best quality product and/or most competitive price, if time permits. In the event the emergency expenditure is over the statutory bid limit, the Assistant Superintendent for Finance and Operations will contact the District's legal counsel for guidance on emergency purchase procedures.

After the Board of Education approves the emergency purchase and the expenditure is made, the Assistant Superintendent of Finance and Operations shall document the expenditure, recording the: (1) vendor, product or service provided; and (2) the total cost of such vendor, product, or service. The Assistant Superintendent of Finance and Operations shall provide a complete record of emergency expenditures to the Board of Education on annual basis for review.

#### E. Analysis of Purchases

Annually, the Assistant Superintendent for Finance and Operations will conduct an internal audit of purchases/services less than \$25,000 to a single vendor to ensure these purchases/services comply with Request for Proposal or potential bid work.

#### F. Centralization of Purchases

To maximize the financial resources of the District, the Assistant Superintendent for Finance & Operations will prepare, annually, a master list of purchases that can be made on behalf of the District. To ensure the best quality of product and cost effective practices, the Assistant Superintendent for Finance & Operations will disseminate the master list to principal/cabinet members. To ensure best quality of product and cost effective practices, the Assistant Superintendent for Finance and Operations will disseminate the annual budget to building principals/cabinet members prior to submitting the budget to the Illinois State Board of Education.

#### G. Internal Controls

##### 1. Segregation of Duties Over Purchasing

It shall be the responsibility of the Superintendent, through his/her designated representative to ensure a segregation of duties over all aspects of purchasing from creation of purchase order to issuance through the establishment of defined procedures.

##### 2. Internal Controls

Periodically, an audit of Business Office internal control procedures and practices will be conducted.

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 LCS 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; Screening; Notifications)

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**PRESSPlus Comments**

PRESSPlus 1. Updated in response to 105 ILCS 5/24-5, amended by P.A. 101-81, and to remove the 2014 date. **Issue 102, October 2019**