PROPOSED REVISIONS

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~~$50,000~~ or more, regardless of whether the goods or services are competitively purchased, shall require Board approval before a transaction may take place~~, except as otherwise provided in this policy~~.

~~The Superintendent shall not be required to obtain Board approval for the following types of budgeted purchases, regardless of cost, but shall subsequently report them to the Board:~~

~~1. A purchase of fuel;~~

~~2. A purchase of postage;~~

~~3. A purchase of phone service; or~~

~~4. A purchase of internet services.~~

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)]

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

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 Any bid may be withdrawn prior to the scheduled time for opening.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.

~~**Encouragement of Small and Local Firms**~~

~~The District shall encourage bids from small and local firms and businesses in and around the District's boundaries.~~

~~**Encouragement of Historically Underutilized Businesses**~~

~~The District shall make a good faith effort to involve firms owned or operated by minorities or women, designated as historically underutilized businesses (HUBs) in the procurement process. Five scoring points shall be awarded to any firm that qualifies as a HUB. HUBs shall be defined as businesses in which at least 51 percent of the ownership and management is by minority group members or women-owned, or in the case of a publicly owned business, at least 51 percent of the stock is owned and managed by minority group members or women in all phases of the procurement. Minority groups shall include African Americans, Hispanic Americans, Native Americans, Asian-Pacific Americans, and Asian-Indian Americans. The District accepts certification as small or qualifying for HUB from the Texas Building and Procurement Commission.~~

~~The District shall develop and maintain administrative procedures to ensure that the HUBs are afforded an equitable opportunity to compete on all District contracts. The administrative procedures shall include one or more of, but not be limited to, the following:~~

~~1. HUB representatives attending prebid/preproposal conferences;~~

~~2. Advertising in historically minority publications; or~~

~~3. Enlisting advertising and promotion assistance from local entities and/or organizations.~~

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.

Personal Purchases

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