

PROPOSED REVISIONS

Purchasing Authority

The Board delegates to the Superintendent, deputy superintendent for operations, chief financial officer, and purchasing director the authority to make budgeted purchases for goods or services.

Exception for Emergency Contracts

In the event of a catastrophe, emergency, or natural disaster affecting the District, the Board delegates to the Superintendent, deputy superintendent for operations, or chief financial officer, 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, deputy superintendent for operations, chief financial officer, and purchasing director the authority to determine the method of purchasing in accordance with CH(LEGAL) or CBB(LEGAL), as appropriate, and the authority to negotiate and execute contracts.

Execution of Contracts

No employee other than the Superintendent, deputy superintendent for operations, chief financial officer, and purchasing director shall be authorized to sign contracts that obligate the District. Renewals of contracts/agreements do not require Board approval if they were previously approved by the Board, Superintendent, or designee and the renewal option was included in the initial approved contract or if they are specifically allowed extensions per TEA. The Superintendent shall approve any renewals within the option period that result in a price increase.

Competitive Procurement Requirements

All District contracts with a single amount of \$100,000 or more or an aggregate amount of \$3,000,000 shall be approved by the Board. All other contracts ~~will~~ shall be ~~approved~~ subject to approval by the chief financial officer or the purchasing director, and the ~~contract amounts~~ aggregate value of such contracts may exceed ~~the \$3,000,000 within a fiscal year as a result of cumulative~~

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transactions. Recurring contracts exceeding the aggregate threshold of \$100,000 shall be reviewed and approved by the Board on a semi-annual basis. Split purchases of substantially similar items in an effort to avoid the aggregate year threshold is prohibited. All District contracts for the purchase of goods and services, except for contracts for the purchase of produce or vehicle fuel, valued at \$50,000 or more in the aggregate for each 12-month period, shall be made by the method that provides the best value for the District:

1. Competitive bidding for services other than construction services.
2. Competitive sealed proposals for services other than construction services.
3. A request for proposals for services other than construction services.
4. A Board-approved interlocal contract.

*Competitive
Bidding*

If competitive bidding is chosen as the purchasing method, the Superintendent, deputy superintendent for operations, chief financial officer, and purchasing director 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, deputy superintendent for operations, chief financial officer, and purchasing director 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.

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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, deputy superintendent for operations, chief financial officer, and purchasing director in accordance with administrative procedures, including the District's purchasing procedures.
Purchases Using Federal Funds	<p>All purchases for services and goods using federal funds must be in compliance with the Code of Federal Regulations 200.320, Methods of Procurement:</p> <ul style="list-style-type: none">• Micro-purchase;• Small purchase;• Sealed bids;• Competitive proposals<u>Simplified acquisitions;</u>• <u>Formal procurement methods;</u> and• Noncompetitive proposals (sole source). <p>Micro-purchases are intended to expedite the lowest dollar amount of purchase transactions using qualified suppliers. The District shall recertify annually with the Texas Education Agency (TEA) to increase the micro-purchase threshold from \$10,000 to \$49,999 by conducting an internal risk assessments to identify, mitigate, and manage financial risk or by maintaining a low risk level from the most recent federal audit.</p>
Purchasing Card	Designated employees of the District shall be authorized to use District purchasing cards for District business purposes as set forth by the program administrators. Cardholders shall not use the cards for any purchase that circumvents or bypasses appropriate bid laws of the state and must conform to District purchasing policies and procedures.

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The purchasing card shall be used for District business purposes only and not for personal use. Unauthorized use of the purchasing card or fraud shall result in disciplinary actions against the cardholder or user and may result in appropriate disciplinary actions and/or termination of the employee. [See DH]

Personal Purchases

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

Annual Policy Review

The chief financial officer shall be responsible for reviewing the District's purchasing policy and procedures each year and recommend any policy changes to the Superintendent and the Board.