

PROCUREMENT AND CONTRACTING

I. Establishment of a Professional Procurement and Contracting Department

The Board of Education has the authority and the responsibility for the District's centralized acquisition system, which includes the authority (C.R.S. §22-32-109 (1)(b)) to adopt policies and prescribe rules and regulations for the administration of the contracting and purchasing needs of the District. The Board expects that the District's centralized acquisition system will facilitate the efficient acquisition of supplies, equipment, services of a professional and non-professional nature, construction, and real property, as well as the disposition of surplus property. To that end, the Board of Education directs the Superintendent or designee, to develop and oversee an acquisition system, which includes the following components and/or characteristics:

- a. A professional procurement and contracting department, staffed with highly trained procurement and contracting professionals, to maintain the District's acquisition system at a highly professional level.
- b. Acquisition procedures that promote competition, meet any applicable state law, are consistent with professional standards, and encourage fair and equitable procurement opportunities in the best interest of the District.
- c. Standard terms and conditions to be used by all organizations involved in District purchasing and contracting.
- d. Acquisition procedures that provide for best value contracting.
- e. Procedures for making purchases using an automated system.
- f. A procurement card program and procedures for making purchases under the procurement card program.
- g. Procedures for warranting contract officers, consistent with the rules set forth at C.R.S. §24-102-202, including the following:
 - 1) A system of checks and balances for the delegation and re delegation of procurement commitment authority to qualified staff, who are expected to act in a prudent manner in the exercise of their authority, and for the revocation of such authority at the discretion of the District.
 - 2) This policy prohibits any employee of the District, who has not been given an appropriate warrant, or has not otherwise been given appropriate written authority, from making any commitment or procurement that financially obligates the District.
 - 3) This policy also prohibits any employee of the District from exceeding the limits of an otherwise appropriate warrant or other similar written authorization.
 - 4) Failure to adhere to this policy may result in the employee being required to reimburse the District for, or otherwise pay, any amounts for which he or she obligates or attempts to obligate the District outside of his or her authority, and may also result in disciplinary action, such as suspension without pay and/or termination of employment.
- h. Ethical management, fiscal accountability and integrity in the acquisition system.
- i. Procedures for handling protests, disputes, appeals, and claims; and, approaches and responses to vendors who bring their complaints directly to the Board of Education or make public their complaints at Board meetings.
- j. Procurement and contracting procedures for cooperative purchasing and similar purchasing methods, where appropriate, that are in the best interest of the District.
- k. Management controls for unauthorized and/or inappropriate purchases that are consistent with C.R.S. §24-109-404 and which provide liability for public employees and public officials who make unauthorized or inappropriate purchases.

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- ~~i. Procedures which address potential and real conflict of interest issues in accordance with the ethical conduct rules, C.R.S. §24-18-101, et seq., and Board of Education policy.~~
 - m. Procedures for the purchase of energy efficient and environmentally responsible products or services.
 - n. Procedures to limit use of check requests for purchases.
 - o. Procedures for use of advance payments.
 - p. A District wide travel procedure.
 - q. Guidelines and procedures to determine independent contractor status on proposed contracts in accordance with the Internal Revenue Service guidelines.
 - r. Procedures regarding fund raising activities in the schools.

II. Support of Local Community Businesses:

The Board recognizes that the schools of the District receive substantial support from tax monies paid by individuals and businesses of the local community. Therefore, the Board encourages and supports the use of "local operating businesses", as the District defines the term, without allowing higher prices to be paid for the same or similar quality items.

The Board directs the Superintendent or designee, the responsibility and authority to establish regulations and practices for local competitive procurement procedures that encourage participation of local vendors and are in the best interest of the District and are consistent with applicable state law, which promote prudent procurement practices, and fiscal accountability, and which take into consideration the important role that local businesses play in the on going success of the District. Such regulations and practices shall minimally take into account the provisions for simplified procurement and formal acquisitions.

- a. Transactions identified by the District as "simplified procurements" typically lend themselves, by their nature, to be transacted through local community businesses. Therefore, it will be the customary, but not exclusive, practice of the District to utilize local community vendors for simplified procurements as long as such transactions can be technically satisfied at a fair and reasonable price.
- b. Unless exempted due to sole source or emergency requirements as outlined in C.R.S. §24-103-205 & §24-103-206, or as otherwise provided by law or the Board, transactions identified by the District as "formal acquisitions" will be advertised to vendors who access the District's homepage and/or electronic procurement system used by the District. The homepage will identify the process to submit proposals for advertised requirements.
- c. Should the District determine that adequate qualified competition exists within the local community, every effort shall be made to notify local vendors directly of the business opportunity.
- d. The notification contemplated in this provision may be accomplished through other reasonable means, as determined by the District. However, other vendors both local and non-local may obtain a copy of the solicitation as advertised on the homepage and/or electronic procurement system used by the District and may submit a bid/proposal.
- e. Local vendors to whom correspondence is sent will be identified through the District's source list. If such source list does not, in the judgment of the Contracting Officer, provide an adequate number of qualified competitors, alternative means of identifying potential sources will be used. No local vendor should depend on receiving notification of an acquisition.

- f. Except as identified herein, notice of formal acquisitions will appear on the District's homepage and/or electronic procurement system used by the District and all vendors, local and non-local, should keep themselves apprized of opportunities through the homepage. Bids/proposals received on a timely basis and in accordance with other District procedures will be evaluated in accordance with the District's evaluation criteria.
- g. No preference will be given to local vendors or businesses except in the case of a tie bid/proposal evaluation as in accordance with C.R.S. §24-103-202.5.
- h. The District may establish a method of prequalification of contractors in accordance with C.R.S. 24-92-107.

III. Procurements and Contracts Requiring Board Approval

While designated staff is delegated, through the Superintendent of schools, the approval and authority to obligate the District in providing needed equipment, supplies, and services for the day to day operation of the District (within the scope specified in the Board of Education approved operating budget); the following types of transactions/agreements shall be approved by the Board of Education prior to execution of the obligating document:

- a. All charter school contracts and changes to standards related to academic performance not otherwise mandated by law, regulation or action by the District 11 Board..
- b. All land acquisitions and sales.
- c. All agreements to purchase an asset (land, building and equipment) costing more than \$100,000 unless specifically approved in the current operating budget approved by the Board of Education.
- d. All agreements for long-term leases in excess of one year valued at more than \$100,000 per year.
- e. All agreements to sell or dispose of a District asset with a current fair market value of more than \$50,000.
- f. All service agreements, resulting in the privatization of a job function currently covered by a District staffing allocation and which reduces such allocation. This does not apply to temporary (less than 12 months)_replacement of staff due to vacancies, leaves or budgetary constraints,
- g. All agreements to provide services that fall into the following categories:
 - 1) The Board of Education's primary legal service contract.
 - 2) Auditors' - financial as well as performance with annual fees over \$50,000.
 - 3) Investment advisors, financial advisor, and underwriter services exceeding \$50,000 in any one fiscal year.
 - 4) Insurance carriers with annual premiums over \$100,000.
 - 5) Architects and general construction contractors for new construction, building additions and major repair projects over \$1 million in scope per project.
 - 6) Service and commodity contracts over \$1 million in scope.
 - 7) All construction related professional services including design, engineering, and project management over \$1 million in scope per project.
 - 8) New Intergovernmental agreements for non-construction purposes over \$500,000 and recurring intergovernmental agreements if valued over \$1 million.
 - 9) Installment purchase, shared savings or performance contracts pursuant to the provisions of C.R.S. §22-32-110 (hh) and C.R.S. §29-12.5 102 and 103 with a per project cost over \$250,000.

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- 10) ~~Personal property tax credit/agreements whether or not the agreement involves financial obligation or that commit the District's resources in consortium with the provisions of C.R.S. §22-32-110(ff)(gg).~~
 - 11) Legislative/lobbying consulting services

- h. The Board will be notified of any professional services acquisitions, requiring Board approval, that are acquired through other than competition at the point of acquisition strategy development, but in no case less than two months prior to the performance need date.

IV. Emergency Procurements

The Board recognizes that from time to time there may be a need for an emergency procurement to assure the continued operation of the district to provide safe and secure environment for students, staff and the public; therefore,

Pursuant to the general powers of the Superintendent, including the power to address emergency circumstances, the Superintendent may waive the required prior approval of the Board of Education with respect to an action described above if all of the following apply:

- a. in the reasonable judgment of the Superintendent the best interests of the District will be substantially adversely affected by delaying the action until the next regularly scheduled Board of Education meeting,
- b. in the reasonable judgment of the Superintendent, it is impractical or unwarranted to call an expedited special meeting of the Board of Education to consider approval of the action (e.g., if a quorum of the Board of Education will not be available in time; or if a special meeting would be an unwarranted intrusion on periods constituting extended holidays from Board of Education business,) and
- c. the Superintendent takes reasonable steps under the circumstances to promptly notify Board of Education members of the waiver or proposed waiver of the approval policy.

Adopted: September, 1972

Revised: January, 1985

Revised: June, 1988

Revised: August, 1996

Revised: December, 1996

Revised: August, 1997

Revised: May, 2000

Revised: January, 2004

Revised: October, 2007

LEGAL REF.: C.R.S. §22-32-109 (1)(b)
C.R.S. §22-32-109 (1)(b),
C.R.S. §22-32-110(G)(ff)(gg)
C.R.S. §24-18-101, et seq,
C.R.S. §24-91-101 et seq.,
C.R.S. §24-92-107
C.R.S. §24-102-202
C.R.S. §24-103-202.5. et. seq.
C.R.S. §24-109-404
C.R.S. §29-12.5-102 , et. seq.

CROSS REF.: KCA, Public Gifts/Donation to Schools
GCQF, Discipline, Suspension and Dismissal of Professional Staff
GDQD, Discipline, Suspension and Dismissal of Support Staff