

CHAPTER 7.00 - BUSINESS SERVICES

PURCHASING AND BIDDING

7.70*

The School Board recognizes that maximum economy and efficiency are best achieved through a centralized purchasing function, which includes warehousing and distribution. All purchases of materials, supplies, equipment and services that are paid from School District funds shall be the responsibility of the Director of Purchasing under the general supervision of the Superintendent. All Florida Statutes, State Board of Education rules, School Board rules and administrative procedures shall be carefully observed in making any purchases. The District shall recognize purchasing terms as defined by law and rule. The payment of any unauthorized purchases shall be the sole responsibility of the person placing the order.

I. Purchases

All purchases made from School District funds, including approved state online procurement, shall be in accordance with all applicable Florida Statutes, State Board of Education rules, School Board rules, and administrative procedures. In case of emergency, the Director of Purchasing is authorized to take necessary steps to procure the materials, supplies, equipment and services as necessary after appropriate administrative approval.

Emergency purchases exceeding the dollar limit for formal bids must be accompanied by written authorization from the Superintendent and must be submitted to the School Board for review at its next regular meeting.

II. Competitive Bids

The Director of Purchasing shall be responsible for continually estimating the needs of the school system and making quantity purchases accordingly. Standard lists of supplies and equipment shall be developed in all areas possible. All purchases where the item or group of items exceeds the amount stipulated in State Board of Education rules shall be made on the basis of competitive sealed bids, except in emergencies as provided herein.

III. Quotations

When deemed appropriate, the Director of Purchasing will obtain multiple competitive quotations for items costing two thousand dollars (\$2,000.00) or more, and less than the amount specified in State Board of Education rules with every effort being made to ensure competitive pricing on all materials and services regardless of cost.

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IV. Standard Bid Procedures

Purchases made through bids shall be based upon justification and specifications which are clear, complete and definite and certain as to character and quality and shall conform to standard specifications for the various classes of supplies, materials, parts, services or equipment desired. Such specifications shall be conducive to securing the best possible price for the highest quality product or service which best meets the needs of the School District. Specifications shall be as open as possible. Invitations to bid shall include, but not be limited to, the following:

- A. Date, time and place of bids;
- B. Procedures for presenting bids;
- C. Conditions and terms for receiving bids;
- D. Procedures to be followed in opening bids and making recommendation to the School Board; and,
- E. The amount of the bid bond or good faith deposit, if any.

V. Conditions for Awarding Contracts Based on Standard Bid Procedures

- A. Bids shall be opened at the time and place specified within the bid documents. At the designated time, the person presiding over the bid opening shall announce the time and ask if all bids have been turned in. No other bids shall be accepted or withdrawn after the deadline. Bids by telegram or other means of delivery that do not qualify as a sealed bid shall not be accepted. Bids received by mail shall be stamped with the time and date received. Alterations written on the outside of a bid shall not be accepted. All bid openings shall be open to the public.
- B. The Superintendent or his designee shall have the responsibility for soliciting the assistance of the District administrative and instructional staff and the school employees who use the products to assist in the preparation of specifications and evaluation of bids.
- C. The Purchasing Department shall maintain a list of active bidders, which will be updated as needed to add or delete vendors.

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- D. Bids shall be requested from at least three (3) appropriate sources for each authorized purchase. All bids shall be signed in ink or indelible pencil.
- E. No bid may be withdrawn after submission except with Board approval based on the written recommendation of the Superintendent. Such written recommendation shall specify the basis for allowing the withdrawal. After formal award by the Board, no bid may be withdrawn by a bidder except for a material error, as determined by the Board.
- F. Recommendations to the Board for action shall be determined on the basis of the lowest responsible qualified bid which meets specifications with consideration being given to the specific quality of the product, its conformity to the specifications, its suitability to District needs, the delivery terms, and the service and past performance of the vendor.
- G. The District may award contracts to the lowest, responsible bidder as the primary awardee and to the next lowest and responsible bidder(s) as alternate awardees provided that the awarding of multiple contracts is clearly stated in the bid solicitation documents.
- H. After bids have been opened and tabulated, they shall be made available to those persons who wish to study and copy them. In no case may the original copies be removed from the custody of the purchasing department.
- I. Any recommendation by the Superintendent of other than low bid shall be accompanied by a written statement prepared by the Superintendent giving the reasons and justifications for such action. Single items or combinations of items may be considered in determining the recommendation. The Superintendent may recommend to the Board the name of any firm which has proven to be unreliable or unqualified for exclusion from the bid list.
- J. Final action on any bid or the letting of any bid shall be the decision of the Board in open session.
- K. Approval of/use of any funds which are not already budgeted shall be made by the Board prior to the issuance of any contract or award of any bid.
- L. The Board, in its sole discretion, may waive minor irregularities in bids or may reject all bids.

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VI. Electronic Bidding

- A. Electronic bidding may be utilized when it is determined to be in the best interest of the District. All requirements for advance notification of bid specifications and date and time of bidding shall be met.
- B. Each bid shall be awarded on the basis of the lowest and best bid which meets specifications with consideration being given to the specific quality of the product, conformity to the specifications, suitability to school needs, delivery terms and service, and past performance of the vendor.
- C. Multiple awards may be made provided that the solicitation documents clearly state this option.
- D. Any bid recommendation other than the low bid shall be accompanied by a written statement signed by the Purchasing Agent giving the reasons and justification for such action.
- E. Documentation of the bid process shall be maintained for audit purposes.

VII. Hearings, Exhibits, or Demonstrations by Vendors

- A. The Superintendent or his designee shall be responsible for the arrangement of hearings, exhibits, or demonstrations by vendors interested in presenting their products. Employees of the school system shall not extend favoritism to any vendor or salesman.
- B. Contracts for providing supplies, equipment and services by any member of the School Board, Superintendent or School Board employee are prohibited.
- C. No employee or school official may make purchases for personal use through a school or the District office.
- D. No employee shall apply for or receive personal services from commercial sources through a school or the District office.
- E. Employees may participate in District surplus sales; provided, that there is no preferential treatment of an employee.

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VIII. Exemptions

All items exempt from bid and quotation procedures by Florida Statutes and State Board of Education rules shall be exempt from School Board purchasing and bidding rules. State or other governmental agency purchasing contracts or approved state online procurement may be used in lieu of bids when it is to the advantage of the School Board. Purchases may be made from the Florida Division of Corrections without competitive bidding for items authorized by general or special law.

IX. Identical Bids

When two or more vendors submit identical lowest and/or best bids meeting specifications, and all other terms and stipulations are equal, the School Board may, in its sole discretion, use one of the following methods to determine the successful bidder unless the option of multiple awards has been announced:

- A. Preference to Local Bidder - Bidders in the District would be given preference over bidders from outside the County. If there were no local bidders, preference would be given to bidders from within the State over those from other states.
- B. By Drawing - If two or more vendors involved in a tie bid have equal status with regard to location, a public drawing will be conducted to determine which vendor will be awarded the bid.

X. Emergency Situations

- A. Occasionally, situations arise which necessitate immediate action in order to ensure the health and safety of students and staff, or to keep a facility in operation. In such cases, at the determination of the Superintendent, the normal procedures may be waived and all Board members will be notified of such action as soon as practicable. The purchasing department shall be required to make telephone contacts with at least two (2) vendors to request quotations, determine availability and ability to deliver services or products in a timely manner. All such contacts must be documented and followed by written bids from those contacted. The Superintendent shall be given all facts relating to the problem and a recommendation for the purchases necessary to resolve the problem. Upon the Superintendent's approval, the lowest and best bidder will be given authorization to proceed. A formal tabulation, giving complete details and justification, shall be submitted at the next regular Board meeting for ratification.

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- B. If the Superintendent determines in writing that the time required to obtain pricing information will enhance the emergency situation, the emergency purchase may be made without quotations.

XI. Requisitions

Each purchase shall be based upon a requisition originating from the principal or District department head. Each requisition or contract shall be properly financed, budgeted, and encumbered prior to issuing a purchase order. Under extreme emergencies, the Purchasing Agent or designee may grant permission for a purchase without a requisition; provided, however, any emergency purchase shall be followed immediately with an emergency requisition. A purchase shall not precede a requisition except under emergency provisions.

XII. Informal Quotations

Informal quotations for purchases within limits established by Florida Statutes or State Board of Education rules are permitted. Quotations shall be solicited from at least three (3) sources, except as provided in section XIV. herein, prior to issuing a purchase order for materials, services, or equipment established limits.

XIII. Purchase of Foods and Nonfood Items for the Food Service Department

The Superintendent shall develop and prescribe a Competitive Procurement Plan or approved state online procurement for purchasing food and nonfood supply items for the school food service program.

- A. The Plan shall contain procedures to ensure conformity with the Federal Food, Drug and Cosmetic Act, the Federal Meat Inspection Act, and the Meat Inspection Law of Florida when purchasing foods.
- B. The Plan shall provide for various types of selection procedures as alternatives to the bidding requirements prescribed herein. Bidding requirements specified in this rule shall be waived if they conflict or are inconsistent with the Plan. All purchases of milk shall comply with State Board of Education rules.
- C. Purchases of equipment items and professional services shall be excluded from the Plan and shall be subject to procedures for purchases described herein.

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XIV. Government and Agency Bids

Subject to provisions of law, the Superintendent may authorize purchase based upon bids approved by the state of Florida, other government agencies, or educational consortia.

XV. Acquisition of Professional or Educational Services

The Superintendent is authorized to contract for professional or educational services to complete projects or activities authorized or approved by the School Board.

- A. Selection of an architect, professional engineer, landscape architect, or land surveyor to perform professional services for a School Board project shall be in accordance with the School Board Policy 7.71, Selecting Professional Services.
- B. Contracts or commitments exceeding limits established by Florida Statutes or State Board of Education rule for educational services or professional services, other than those described in subsection XV.A herein, shall be approved by the School Board prior to execution.

XVI. Single Source Commodities or Contractual Services

A commodity or contractual service that is available from a single source may be exempted from requirements for competitive solicitation provided that the District posts notice of its intent to purchase a specific item or service and subsequently posts notice of its intent to enter a single source contract.

XVII. Conflict of Interest

The following provisions shall apply for conflict of interest. Any violation of these provisions by a School Board employee may be grounds for dismissal.

- A. No contract for goods or services may be made with any business organization in which:
 - 1. The Superintendent or School Board member has any financial interest whatsoever;
 - 2. A spouse or child of the Superintendent or School Board member has an employment relationship or material interest as defined by Section 112.312, Florida Statutes; or,

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3. A School Board employee has an employment relationship or material interest as defined by Section 112.312, Florida Statutes.
 - B. No School Board employee may directly or indirectly purchase or recommend the purchase of goods or services from any business organization in which his/her spouse or child has a material interest as defined by Section 112.312, Florida Statutes.
 - C. School Board employees or officials may not use bid prices or school prices or receive gifts or any preferential treatment in making personal purchases. A School Board employee shall not be prohibited from participating in any activity or purchasing program that is publicly offered to all School Board employees or in District surplus sales provided there is no preferential treatment.

XVIII. Multi-year Purchase Agreements

No obligation shall be created by contract, purchase order, maintenance agreement, lease-purchase agreement, lease agreement, or other instrument that exceeds a period of twelve (12) months. The Superintendent shall develop and prescribe a uniform termination clause that shall be incorporated in and made a part of any multi-year obligation agreement or contract. Bids may be carried forward if it is in the best interest of the District.

XIX. Internal Accounts

All contracts for purchases made at the school level from internal accounts shall be initiated by the principal and shall follow the same procedures prescribed for purchasing in this policy.

XX. Bid Protest

- A. A bidder who wishes to file a bid protest, must file such notice and follow procedures prescribed by Section 120.57, F.S. for resolution. For bids solicited by the purchasing department, the notice must be filed with the purchasing department. For bids solicited by the facilities department, the notice must be filed with the facilities department or such persons as the Superintendent designates.
- B. Any person who files an action protesting a decision or intended decision pertaining to a bid pursuant to 120.57(3)(b), F.S., shall post at the time of filing the formal written protest, a bond payable to the Franklin County School Board in an amount equal to one percent (1%) of the total estimated contract value, but no less than \$500 nor more than \$5000.

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The bond shall be conditioned upon the payment of all costs which may be adjudged against the protester in the administrative hearing in which the action is brought and in any subsequent appellate court proceeding. If, after completion of the administrative hearing process and any appellate court proceedings, the District prevails, it shall recover all costs and charges, which shall be included in the final order or judgment, including charges made by the Division of Administrative Hearings, but excluding attorney's fees. If the protester prevails, he/she shall recover from the District all costs and charges which shall be included in the final order of judgment, excluding attorney's fees.

- C. Failure to file a notice of intent to protest, or failure to file a formal written protest within the time prescribed in Section 120.57, F.S., shall constitute a waiver of proceedings under Chapter 120, F.S.

STATUTORY AUTHORITY:

1001.41, 1001.42, F.S.

LAW(S) IMPLEMENTED:

112.312, 120.57, 212.0821, 255.04,
274.02, 287.017, 287.057, 1001.421,
1001.43, 1010.01, 1010.04, 1013.47, F.S.

STATE BOARD OF EDUCATION RULE(S):

6A-1.012, 6A-1.085,
6A-1.087, 6A-7.0411

HISTORY:

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