

CHAPTER 7.00 - BUSINESS SERVICES

Purchasing and Procurement Policies

7.14

The Superintendent shall be responsible for all purchases of materials, equipment, and services from School District funds. No person, unless authorized to do so under the rules of the School Board, may make any purchase or enter into any contract involving the use of school funds; no expenditures for any such unauthorized purchase or contract shall be approved by the School Board.

1. Definitions. The following definitions apply for purpose of this Rule:
 - a. "Competitive Solicitation" shall be defined for the purposes of this rule to include purchasing made through the issuance of an invitation to bid, request for proposals and invitation to negotiate. Competitive Solicitations are not required for purchases made through the pool purchase provisions of Florida Statute 1006.27.
 - b. "Bidder", "Proposer", or "Respondent" shall be defined for the purposes of this rule to include those vendors submitting bids, proposals, or responses to a Competitive Solicitation.
 - c. "Superintendent" shall be defined for the purposes of this rule to mean "Superintendent or designee." The Superintendent's designee shall be the Director of Purchasing, and such other persons specifically authorized by the rule to make purchases.
 - d. "Invitation to Bid" shall be defined for the purposes of this rule as a written solicitation for competitive sealed bids. The Invitation to Bid is used when the School Board is capable of specifically defining the scope of work for which a contractual service is required, or when the School Board is capable of establishing precise specifications defining the actual commodity or group of commodities required. A written solicitation includes a solicitation that is publicly posted.
 - e. "Request for Proposals" shall be defined for the purposes of this rule as a written solicitation for competitive sealed proposals. The Request for Proposals is used when it is not practicable for the School Board to specifically define the scope of work for which the commodity, group of commodities, or contractual service is required and when the School Board is requesting that a responsible vendor propose a commodity, group of commodities, or contractual service to meet the specifications of the solicitation document. A written solicitation includes a solicitation that is publicly posted.
 - f. "Invitation to Negotiate" shall be defined for the purposes of this rule as a written solicitation for competitive sealed replies to select one or more

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vendors with which to commence negotiations for the procurement of commodities or contractual services. The Invitation to Negotiate is used when the School Board determines that negotiations may be necessary for it to receive the best value. A written solicitation includes a solicitation that is publicly posted.

- g. "Invitation to Quote" shall be defined for the purposes of this rule as the procurement of commodities and contractual services for less than \$50,000, and initiated, facilitated, and awarded through the Purchasing Department where a Competitive Solicitation is not required by law. An Invitation to Quote is publicly posted.
2. Competitive Solicitation Requirements. Except as authorized by law or rule, Competitive Solicitations shall be requested from three (3) or more sources for any authorized commodities or contractual services exceeding \$50,000. The procurement of commodities or contractual services shall not be divided so as to avoid this monetary threshold requirement.
3. Rejection of Proposals. The School Board shall have the authority to reject any or all proposals submitted in response to any Competitive Solicitation and request new proposals or purchase the required commodities or contractual services in any other manner authorized by this section.
4. Acceptance of Bids. In acceptance of responses to Invitations to Bid, the School Board may accept the proposal of the lowest responsive, responsible Proposer. In the alternative, the School Board may also choose to award contracts to the lowest responsive, responsible Bidder as the primary awardee of a contract and to the next lowest responsive, responsible Bidder(s) as alternate awardees from whom commodities or contractual services would be purchased should the primary awardee become unable to provide all of the commodities or contractual services required by the School Board during the term of the contract. The School Board shall not be prevented from making multiple awards to the lowest responsive and responsible Bidders when such multiple awards are clearly stated in the bid solicitation documents. If less than two responsive bids for commodities or contractual services are received, the School Board may negotiate on the best terms and conditions or decide to reject all bids. The School Board shall document the reasons that negotiating terms and conditions with the sole Proposer is in the best interest of the School Board in lieu of resoliciting an Invitation to Bid. Preference may be given to St. Johns County Bidders provided prices and quality are equal, subject to certification as a drug-free workplace (Florida Statutes 287.087 and 287.084).
5. Acceptance of Responses to Requests for Proposals. In acceptance of responses to Requests for Proposals, the School Board may award a contract or pursue negotiation of a contract to one or more responsive, responsible Proposers whose

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proposal the School Board determines to be most advantageous to the School Board and in its best interest in the exercise of the Board's judgment and discretion, based on the selection criteria published in the Request for Proposal. If less than two responsive proposals for commodity or contractual services are received, the School Board may negotiate on the best terms and conditions or decide to reject all proposals. The School Board shall document the reasons that negotiating terms and conditions with the sole Proposer is in the best interest of the School Board in lieu of resoliciting a Request for Proposal.

6. Bid Protest. A Bidder who wishes to file a bid protest must file such notice and follow procedures prescribed in Florida Statute 120.57 for resolution. For bids solicited by the Purchasing Department, the notice must be filed with the Purchasing Department. Failure to file a notice of intent to protest, or failure to file a formal written protest within the time prescribed in Florida Statute 120.57 shall constitute a waiver of proceedings under Chapter 120, Florida Statute.
7. Exceptions to the Competitive Solicitation Requirement. The requirement for requesting Competitive Solicitations for commodities or contractual services from three or more sources is hereby waived as authorized by Florida Statute 1010.04(4)(a), or any other applicable statute, rule or regulation, including the exceptions, exemptions and purchasing alternatives authorized by the State Board of Education Rules. Should the School Board utilize a purchasing alternative authorized by the State Board of Education Rules, the School Board shall obtain documentation of compliance with the Competitive Solicitation or other applicable statutory or regulatory requirements for utilizing the alternative.
8. Board Approval. School Board approval shall be required for any purchase or contract of \$50,000 or more.
9. Thresholds. Except as authorized by law or rule, the Superintendent is authorized to purchase commodities or contractual services without Competitive Solicitation where the total amount of the purchase is less than \$50,000 and does not exceed the applicable appropriation in the School District budget. The following purchasing thresholds shall apply:
 - a. Up to \$9,999. Purchasing of commodities and contractual services up to \$9,999 shall be made in the best interest of the School Board.
 - b. \$10,000 up to \$34,999. Purchasing of commodities and contractual services between \$10,000 and up to \$34,999 requires three (3) written quotes obtained by the requesting school or department, submitted to the Purchasing department for review and approval. Although a formal Invitation to Quote initiated from the Purchasing department is not required for this dollar threshold, it may be deemed appropriate based on the complexity or nature of the requirements as determined by the Director of Purchasing or designee.

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- c. \$35,000 up to \$49,999. Purchasing of commodities and contractual services between \$35,000 and up to \$49,999 requires an Invitation to Quote to be initiated, facilitated, and awarded through the Purchasing department.

School principals are authorized to make purchases from internal school accounts in compliance with the Internal Accounts Handbook.

- 10. Requisitions. Each purchase shall be based upon a requisition originating from a School Board department head or school principal. Each requisition or contract shall be properly financed, budgeted and encumbered prior to issuing a purchase order. Under extreme emergencies, the Director of Purchasing 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 in an emergency in accordance with State Board of Education Rules.
- 11. 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:
 - i. The Superintendent or School Board member has any financial interest whatsoever;
 - ii. A spouse or child of the Superintendent or School Board member has an employment relationship or material interest as defined by Florida Statute 112.312; or,
 - b. No School Board employee may directly or indirectly purchase or recommend the purchase of goods or services from any business organization in which he /she or his/her spouse or child has a material interest (as defined by Florida Statute 112.312) in the purchase transaction.
 - 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. School Board employees shall be permitted to participate in School District public surplus sales provided they receive no preferential treatment.
- 12. Debarment. Pursuant to Florida law, relevant Florida Statutes and similar to Florida Statute 287.042(1)(b), the Superintendent shall have the authority to suspend or debar any person, firm, entity or an affiliate of any one of them, from consideration or award of future contracts for cause. Cause may include, without limitation, a recent record of persistent or repeated failure(s) or inability to fulfill the

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terms and conditions of one or more previously awarded contracts with the School Board, failure to perform in accordance with contract specifications or drawings, failure to perform in accordance with applicable laws or ordinances, or failure to perform within the time limits provided in the contract(s). The suspension or debarment shall be for a period commensurate with the seriousness of the cause, generally not to exceed three years. For purpose of this section, "affiliate" includes a firm or entity that is owned or controlled by a person debarred under this rule, or by a principal of a debarred firm or entity.

13. Procedures and Guidelines. The Superintendent is authorized to adopt procedures to implement and supplement this rule.

STATUTORY AUTHORITY: 337.11(5)(A); 1001.42 F.S

LAWS IMPLEMENTED: 12.312; 120.57; 212.0821;
255.04; 1001.43; 1010.01;
1010.04; 1013.47, F.S.

STATE BOARD OF EDUCATION RULES: 6A-1.012; 6A-1.087; 6A-7.042, F.A.C.

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