



SECTION VI: BUSINESS, TECHNOLOGY & OPERATIONS POLICY 6160

PURCHASING AND PROCUREMENT

This policy shall govern the purchase of all goods and services by the District, and all contracts entered into by the District.

The Board of Education authorizes the Superintendent and/or designee to establish written procedures for the procurement of supplies and services in accordance with federal and state law, this policy, and generally accepted governmental purchasing practices. Purchasing of goods and services is contingent upon the availability of funding. All non-salary related purchases, debts and/or financial obligations against the District shall be incurred as authorized and processed in accordance with this policy and corresponding purchasing manual.

Purchase Orders and Requisitions

Purchase orders will be issued only upon submission and approval of a requisition. The requisition will contain a clear description of the materials or services desired, accompanied by appropriate documentary materials, and including an encumbrance charged against an appropriate appropriations account. The requisition must include the approval of the initiator and the administrators within the designated requisition path to verify the appropriateness of the expenditure and availability of appropriations. The head of the Purchasing Department shall issue a purchase order only after completion of this process. The Board of Education authorizes the Superintendent or designee to issue purchase orders for less than \$50,000 without prior Board of Education approval. All purchase orders of \$50,000 or more shall be issued only with the prior approval of the Board of Education.

A report of encumbrances shall be submitted to the Board of Education in the order of their issuance. This report shall be submitted at each regular meeting of the Board, reflecting encumbrances authorized since the last day of the previous encumbrance report. Approved encumbrances shall become a part of the minutes of the Board of Education meeting and be posted on the District web site.

Requisitions and/or purchase orders cannot be split to avoid bidding, quotation and/or Board approval requirements.

Purchase Order Adjustments

Minor adjustments to approved encumbrances and/or purchase orders may be made without additional Board approval with the following limitations and under the following conditions by the Superintendent or designee:

1. Encumbrances and purchase orders may be reduced by any amount and may be increased by the greater of \$1,000 or 15% of the original, approved amount.
2. An encumbrance or purchase order may be revised administratively for various corrections including vendor address, OCAS coding, substitutions for like goods, and meeting/participant cancellations or changes that do not alter the quantity or amount, except as provided in this section.



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3. A purchase order may be cancelled after the administrator requesting the purchase approves the cancellation. The purchasing or cancelling administrator is then responsible for notifying the vendor of the cancellation.

Minor adjustments to encumbrances and/or purchase orders, not requiring additional Board approval shall be referenced to the original encumbrance.

Emergency Purchases

The Superintendent or designee may declare an emergency and authorize the issuance and payment of emergency encumbrances and purchase orders less than \$50,000 in amount without complying with the bidding and quotation requirements contained in this policy. An emergency may be declared to address conditions resulting from a sudden, unexpected happening or unforeseen occurrence or condition which threatens to endanger public health or safety or where prompt action is required to avoid interruption of critical school business or are necessary to protect the property of the District. As to emergencies involving construction contracts of less than \$35,000, the Board delegates to the Superintendent the authority to declare an emergency under the Competitive Bidding Act. The term “emergency” shall be as defined in said Act.

Bidding, Quotation, and Proposal Requirements

The solicitation for bids, proposals and quotations shall be conducted in accordance with the provisions of this policy and the District’s written purchasing procedures as approved by the Superintendent or designee. Unless otherwise exempted herein, the following informal and formal bidding and quotation limits shall be followed for the purchase of all goods and services procured with all funds. The limit amounts listed are applicable to the entire purchase or project; therefore, no requisition and/or purchase order can be split to avoid bidding, quotation and/or Board approval requirements.

Specific Bidding, Quotation, and Proposal Requirement

1. Less than \$25,000 – Oral or written quotes encouraged from two or more vendors
2. \$25,000 to \$49,999 - Written quotes required from three or more vendors
3. \$50,000 and above – Sealed Proposals in response to a District-initiated Request for Proposal or by sealed bids. The procurement shall be coordinated through the purchasing department.

The Board of Education authorizes the Superintendent or designee to use electronic sealed bids provided there are adequate procedures and controls. Formal sealed proposals or bids shall have a specific opening date, time, and location. Two District representatives, one of which must be an administrator, shall be present during the opening. All proposals and bids will be stamped with the date and time of receipt; opened at the designated time and location and read out loud. Each District representative present shall initial each proposal or bid and/or have a tabulation sheet upon opening the proposals or bids. Bids and quotes shall be awarded to the lowest qualified and responsible bidder who submits the lowest and best bid. The District may consider, in determining



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the lowest and best bid, which bid represents the “best value” in the sole opinion of the District, taking into consideration the total cost of ownership, including purchase price, quality, ability to deliver, maintenance and service, durability and longevity.

The Public Competitive Bidding Act applies to contracts for new construction and for repairs and maintenance to public buildings.

Bus purchases must be made by sealed bid in accordance with the requirements of OKLA. STAT. tit. 70, § 9-109.

Activity Fund Quotation Requirements

Individual purchases of any quantity of one specific item having a total cost equal to or greater than \$2,500 may be made upon written authorization from the Purchasing department after receiving written price quotations from a minimum of 3 vendors.

Purchases of any single item having a total cost equal to or in excess of \$5,000 are not permitted. No capital assets or outlays are permitted from Activity Funds.

Items Exempt from Bidding, Quotation, or Proposal

Because of the unique nature of some goods and services, the items listed below shall be exempt from bidding. However, every effort must be made to create a fair and competitive environment where all vendors who have requested to quote or bid on these items are given the opportunity to have their offer considered.

The method for creating a competitive environment must be in accordance with District quality standards and purchasing procedures. All purchases of \$50,000 or more must still be approved by the Board of Education prior to issuance of an encumbrance or purchase order.

The following goods and services are exempt from bidding, quotation, or proposal requirements:

1. Professional services (audit services, construction management services, architectural services, legal services, insurance, medical services, demographic studies, employment services, drug and alcohol testing and professional consulting services)
2. Travel service (airfare, accommodations, etc.)
3. Goods purchased for student activity fund raisers
4. Goods purchased for resale
5. Textbooks, student workbooks, library/media books, maps and globes, and educational and training videos



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6. Utilities
7. Postage
8. Software upgrades and specialized source software (excluding off-the-shelf software)
9. Training classes and associated equipment rental
10. Catering events
11. Items available for purchase on an existing state contract, or through the cooperative bidding of another governmental entity, when this is determined to be the best method of purchase
12. Used furnishings, equipment and uniforms
13. District Vehicles, excluding buses, are exempt from sealed bidding. The Director of Purchasing is authorized to directly purchase vehicles for general District use after obtaining quotes and negotiating specifications.

Single (Sole) Source Selections

Single source procurements shall be exempt from bidding provided that said procurements meet the following criteria:

1. The goods and services are unique to a manufacturer/supplier/distributor and no other similar (equal in function, performance, and fit) or like goods or services are available from another supplier.
2. Single source procurements also may be permitted where compatibility of equipment, accessories or replacement parts is of paramount consideration or where service work on the original equipment must be performed to not negate existing warranties.

A single source affidavit will be completed for all single source items over \$5,000 and submitted to the Board of Education.

Reimbursement of Purchased Goods or Services

Employees of the district may be personally reimbursed for the purchase of goods or services under the following conditions:

1. The vendor will not accept a District purchase order
2. No alternate vendor is available
3. A situation exists which constitutes an emergency



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4. There exists an unforeseen or extenuating circumstance necessitating the personal reimbursement

Such purchases must be authorized in advance of the purchase, and the reimbursement must not be merely for the convenience of the requestor. If authorized, employees shall be reimbursed for the cost of the goods or services plus any associated tax once the goods or services have been received. All requests for reimbursement must be supported with the original itemized receipt. The District assumes no liability for the unauthorized purchase of goods or services by an employee.

Site Issued Credit Cards

Site and department issued credit cards may be used for local purchases at retail establishments who do not accept a purchase order. Purchase order must be encumbered and the purchase must be made on or after the approved date listed on the purchase order. Online orders and requests to increase credit card purchase orders are not allowed. The use of the credit card does not circumvent any other provision of this policy. All credit card receipts must be submitted to accounting@baschools.org within 24 hours of purchase.

Procurement/Purchasing Cards (P-Cards)

P-Cards may be utilized to pay for purchases of goods and services as authorized by state law with the approval of the Superintendent or designee. The procedure for use will be addressed in the District purchasing manual. Purchases made with the P-Card must be supported with a proper purchase order and encumbrance charged against the proper funding source. All P-Card purchases are subject to audit and review. Use of the P-Card does not circumvent any other provision of this policy.

Contracts

A contract is an agreement which creates an obligation to do or not to do a particular thing including, but not limited to, the payment of money. A valid contract requires competent parties, legal consideration, legal subject matter and mutuality of consent and obligation. All contracts must be in writing.

The Board of Education is the only legal entity that may enter into a valid contract obligating the District in any way. School sites, activities, clubs and departments are not legal entities and may not enter into valid contracts for themselves or for the District. Each contract must be approved by the Board and be signed by the President of the Board. Provided, however, the Board of Education may authorize the Superintendent or designee to execute contract documents on behalf of the Board of Education after Board approval of the contract. Contracts signed or authorized by anyone else will not be binding on the District and could result in personal liability for the person signing the contract.

Construction Contracts

In accordance with the Public Competitive Bidding Act of 1974, OKLA. STAT. tit. 61, §§ 101-138, public construction contracts of more than \$100,000 for the purpose of erecting any public building or structure, or making any improvements to a building or structure, or minor maintenance or repair work to public school property shall be made only upon submission of sealed bids and



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shall be awarded to the lowest responsible bidder by the Board of Education. These bids shall be subject to the procedures of the Public Competitive Bidding Act of 1974.

Contracts for minor maintenance or repair to public school property equal to or greater than \$25,000 but less than \$50,000 shall be awarded to the lowest responsible bidder by the receipt of written bids. Contracts for less than \$25,000 for minor maintenance or repair may be negotiated with a qualified contractor. Any contract resulting from such negotiations must be approved by the Board. No contract shall be split into two or more contracts involving sums below this threshold for the purpose of avoiding the requirements of the Act.

E-Rate Procurement

In selecting service providers for all eligible goods and/or services for which Universal Service Fund (E rate) support will be requested, the District shall:

1. Make a request for competitive bids for all eligible goods and/or services for which e-rate funding will be requested and comply with applicable state and local procurement processes included in its documented policies and procedures.
2. Wait at least four weeks after the posting date of the FCC Form 470 on the USAC Schools and Libraries website before making commitments with the selected service providers.
3. Consider all bids submitted and select the most cost-effective offering, with price being the primary factor considered.
4. Keep control of the competitive bidding process by not surrendering control to a service provider who is participating in the bidding process and not including service provider contact information on the FCC Forms 470. It is the administration's policy to retain all E-Rate records for a period of five years after the last date of service in accordance with FCC Fifth Report and Order (para. 47, FCC 04-190, adopted August 4, 2004).

Food Procurement for Child Nutrition Program

All Child Nutrition purchases for goods and services shall be procured in compliance with 7 C.F.R. Part 3016 and State Law and in accordance with the guidelines of the purchasing manual. All purchases will be made pursuant to a Board approved purchase order or contract.

Per Federal Regulations (2 CFR200.321), Broken Arrow Schools Child Nutrition Program complies with the Buy American provision and supports small, minority, and women-owned businesses whenever possible.

Child Nutrition will adhere to the Board of Education approved Child Nutrition Procurement Plan.

Prohibited Purchasing Practices

District employees and Board Members are expressly forbidden from accepting gratuities from any vendor or supplier. Gratuities as specified under this policy include anything of value (cash or assets easily convertible to cash, travel, lodging, appliances, automobiles or their use, or any other



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form of special treatment paid or given to an employee or Board Member) which might influence the employee's selection of a vendor or supplier.

Promotional and advertising novelties or meals with a total value of \$100 or less per year, per employee/Board Member, per vendor, are not considered gratuities under this policy.

With prior Board approval, the District may accept vendor provided travel, lodging and registration for the purpose of attending professional development conferences, workshops, presentations or training.

Employees or members of the Board of Education are not permitted to make purchases for personal use through any fund of the District, including the school activity funds.

Collusion in buying, kickbacks or other agreements or arrangements with vendors intended to benefit or advantage the vendor or to benefit or provide personal advantage to school personnel is strictly prohibited by law and Board policy. This policy in no way restricts clearly stated discounts or benefits to the District.

Violations of Purchasing Policy

District employees violating this policy, exceeding their purchasing authority or incurring an expense without a pre-approved purchase order may be held personally and financially liable and subject to disciplinary action including, but not limited to, suspension, demotion, termination or legal action.

Other

The District will maintain a vendor list. In an effort to create a fair and competitive opportunity for vendors to do business with the District, any vendor or supplier may request to be added to the District's master vendor list. Vendors who fail to satisfy their obligations to the District may be removed by the Board or the Superintendent from the vendor list at any time and for any length of time.

Procurement/Purchase Cards as authorized by state law must be approved by the Superintendent or designee. The procedure for use will be addressed in the District purchasing manual.

The District will only be legally obligated to pay vendors for delivered materials, supplies and services ordered pursuant to state purchasing laws and District purchasing policies and regulations. This policy applies to all funds. Individuals and entities who do business with the District are placed on notice that no bill will be paid unless relevant statutes, policies and regulations governing purchases with the District have been followed, and that no District employee has authority to obligate the District for materials, supplies, or services ordered on behalf of the District unless the individual has complied with the purchasing rules of the District.

Source: *Broken Arrow Board of Education policy adoption, February 17, 1992.*
Broken Arrow Board of Education policy revised, February 7, 2000.



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Broken Arrow Board of Education policy revised, September 18, 2000.
Broken Arrow Board of Education policy revised, September 15, 2008.
Broken Arrow Board of Education policy revised, July 13, 2009.
Broken Arrow Board of Education policy revised, November 8, 2010.
Broken Arrow Board of Education policy revised, August 1, 2011.
Broken Arrow Board of Education policy revised, November 12, 2012.
Broken Arrow Board of Education policy revised, July 15, 2013.
Broken Arrow Board of Education policy revised, August 10, 2015.
Broken Arrow Board of Education policy revised, July 10, 2017.
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