PURCHASING GUIDES

The procurement of goods and services for the District shall be secured in an efficient and economical manner. All legal requirements must be followed and each purchase shall be within the educational objectives and financial resources of the District. Wholesome competition between suppliers is considered to be desirable for the purpose of securing maximum value at a minimum cost. The best interests of the District will be maintained at all times.

A. Expenditures

It is the policy of the Board that the administration strictly observe the letter and the spirit of all laws and regulations relating to purchases by the school system and to the control of its finances and property.

Within the framework of applicable laws and regulations, purchases and use of goods and services shall be accomplished in accordance with good business practices with the primary purpose of serving the program of instruction.

The Board holds the Superintendent of Schools directly responsible for carrying out this policy, and toward that end, the Superintendent shall detail the procedures for executing this policy in written administrative directives.

Contracts for services and other agreements to encumber funds shall be made only by the Superintendent, or the Superintendent's designated representatives to whom such authority has been clearly and specifically delegated.

B. Authorization

Requisitions for supplies, materials, equipment and services shall originate from the key personnel directly responsible for their use. The principals will review the requisitions as submitted by their respective staff members, and will, in turn, submit the revised requisitions to the Business Office for final approval for purchase.

The Superintendent shall appoint a "processing and receiving" clerk to receive and process requisitions in a manner most beneficial to the District.

C. Involvement of School Staff

Consuming personnel, whenever possible, will be involved in the preparation of specifications for goods and services to be purchased.

Salesmen are not permitted to call on teachers or other school staff members without authorization from the school administration.
School principals may give permission to sales representatives of educational products to see members of the school staff at times that will not interfere with the educational program.

Any school employee who orders any supplies or equipment outside of that which has been included in the annual budget and without written authorization of the principal or superintendent shall be personally liable for payment for the supplies or equipment purchased.

School employees or students purchasing supplies and equipment out of an activity account must first secure a purchase order from the principal authorizing the purchase. Failure to do so may cause the person to be personally liable for payment for the supplies or equipment purchased.

D. Construction Projects

The District shall bid every project for the construction, remodeling, or repair of any school-owned building or for site improvements when the contemplated expenditures for the project is over $40,000.00. The bidding procedures shall comply with the requirements of state law and shall include the following:

1. Notice to Bidders: The Administration shall prepare a notice to bidders containing a general description of the scope of the project being bid; the location of the project; the means of obtaining project documents, including plans and specifications; the date and hour bids will close; and the date, hour and place bids are to be returned, received and opened, and a provision that such bids will be immediately and simultaneously opened in the presence of the bidders or representatives of the bidders.

2. Regular Manner of Advertisement for Bids: The notice to bidders shall be published one time in a newspaper of general circulation in the School District. The notice shall be published at least seven (7) days prior to the date designated for the opening of such bids. The Board of Education or Administration may, in its sole discretion, elect to utilize further advertisement for bids as it may determine appropriate to secure a sufficient number of qualified bidders for the scope of the project.

3. Bid Opening: When the hour is reached for such bids to close, bids will be immediately and simultaneously opened in the presence of the bidders or representatives of the bidders.

4. Contract Award: The contract shall be awarded to the lowest responsible bidder as and to the extent required by law. When not so required, the award

shall be made on the basis of consideration of the contract award criteria set forth in this Policy for purchases of equipment, materials and supplies.

5. Performance and Payment Bonds: Whenever any contract is entered into for the erecting, furnishing, or repairing of any building or other public structure or improvement, the contractor shall be required, before commencing such work, to furnish a performance, labor and material payment bond. The bond requirement shall not apply, however, to any project bid or proposed which has a total cost of $10,000 or less unless the School Board or Administration includes a bond requirement in the specifications for the project.

   The bond shall be in an amount not less than the contract price. The bond shall be conditioned on the faithful performance of the contract and the payment by the contracting party of all laborers and mechanics for labor that is performed and of all material and equipment rental that is actually used or rented in connection with the improvement project and the performance of the contract. Such bond shall contain such provisions as are required by statutes, and be in a form prescribed and required by the district.

6. Additional Procedures: Each bid for which a labor and material bond is required shall be accompanied by a bid bond or certified check in the amount of five percent (5%) of such bid unless the School Board or Administration may provide for additional procedures for the procurement, opening and acceptance of bids as deemed appropriate for a particular project.

E. Equipment, Materials and Supplies

1. Acquisition Process

   a. Less than $10,000. Purchases of equipment, materials or supplies that cost less than $10,000 may be made in the open market. All purchases made in the open market shall be consummated after careful pricing.

   b. $10,000 or More. Purchases of equipment, materials or supplies that cost $10,000 or more should be through a process that includes solicitation of competitive bids, quotes, or proposals.

   c. Solicitation of Competitive Bids or Quotes. Purchases of equipment, materials or supplies shall, when possible, be based on at least three competitive bids, quotes or proposals. The number of quotes to be obtained will depend upon the peculiarities of the product to be secured and the availability of interested and able vendors or suppliers. When the cost of the item exceeds $10,000, generally a minimum of three competitive bids, quotes or proposals shall be obtained. On large orders, additional quotes may be obtained.

2. Bidding Procedures.
   When competitive bidding is used for purchases of equipment, materials or supplies the following bidding procedures are to be followed:

   a. Bid instructions and specifications. The Administration shall prepare bid instructions that are clear and complete and that set forth all considerations necessary to bid. Bid specifications shall be clear, complete, and conducive to competitive bidding.
   b. Advertisement. The notice to bidders shall be published appropriately in a manner that will allow for competition. Vendors and suppliers shall be invited to have their names placed on mailing lists to receive invitations to bid. When specifications are prepared, they will be mailed or made available to all vendors or suppliers who have indicated an interest in bidding.

   c. Sealed bids. When bidding is used for purchases of $10,000 or more, such bids must be submitted in sealed envelopes, addressed to the Board, and plainly marked with the name of the bid and the time of the bid opening.

   d. Withdraw of Bids and Late Bids. Any bid may be withdrawn prior to the scheduled time for the opening of bids. Any bid received after the time and date specified shall not be considered.

   e. Bid Opening. Bids shall be opened at the time specified and all bidders and other persons shall be invited to be present. After the bids have been opened and tabulated, they shall be available for those interested to copy or study. They shall not, however, be removed from the purchasing office.

   f. Right to Reject. The Board reserves the right to reject any or all bids and to accept the bid which appears to be in the best interest of the District. Each bid notice should carry the notification that the District reserves the right to accept or reject any or all bids.

   g. Right to Waive Bid Formalities. The Board reserves the right to waive any informality in, or reject any or all bids, or any part of any bid, as consistent with law.

3. Awarding Contracts.

All open market orders and contracts for the purchase of equipment, materials and supplies shall be awarded based on the following factors:

   a. Quality of product,

b. Suitability of product,
c. Equality of price (or fairness of price),
d. Conformance to specifications,
e. Convenience of delivery,
f. General reputation of business firms,
g. Services to be provided to the school district by supplier,
h. Established relationship between supplier and school,
i. Ability to provide the goods or services under question,
j. Ability to provide replacement parts for the good to be purchased, and
k. Warranties offered on products by each company.
l. Adherence to State Law and Federal Regulations, and
m. Any other stipulations set forth in Board policy or by Board action with regard to purchasing decision.
n. Local purchases ***will be preferred*** whenever the foregoing factors are considered to be substantially the same.

The successful vendor or supplier shall be selected by the Superintendent, or the Superintendent's designee, who shall be guided by the consuming personnel.

Official action by the Board of Education shall be requested by the Superintendent where it is required by State Law or Federal Regulations and in those instances where it appears to be in the best interest of the District.

The successful vendor or supplier may be required to enter into a written contract with the Fremont Board of Education.

F. Services

Contractual services which by their nature are not adapted to award by competitive bidding, such as contracts for the services of individuals possessing a high degree of professional skill, where the ability or fitness of the individual plays an important part, are not subject to the competitive bidding process.

Every contract for services to be provided to Fremont Public Schools shall require that the contractor use a federal immigration verification system to determine the work eligibility status of new employees physically performing services within the State of Nebraska. Such requirement shall be deemed to be included and a part of the terms of every contract for services with the School District, including but not limited to oral contracts.

Contractual services which are determined to be suitable for competitive bidding, quotations, or proposals, will be awarded using the same procedures and criteria as established for the purchase of equipment, materials and supplies.

G. Lease-Purchase

The Board of Education has the power to enter in lease-purchase agreements, when such procedures appear to be the most advantageous for the District. Such plans may be developed by the Superintendent, or his designee, but the final approval of this type of contract, unless the total cost falls below $10,000, is subject to Board approval.

H. Purchases by Students or Parents

When students or their parents are expected to purchase goods or services for school related activities, District employees may not compel the selection of a particular brand, trademark, or vendor. In certain activities, school district staff may make reasonable suggestions in terms of design, quality, color, etc. For example, the type and color of the Physical Education uniform or the hardness of the lead in a drafting pencil.

I. Insurance Protection

Insurance coverage for the Fremont Public Schools shall be placed in two categories:

1. Group 1: Long Term Disability Income Protection and Life Insurance. The award of the contract for School District Audit services shall be made on the Group 1 cycle.
2. Group 2: Commercial Liability Insurance. This includes special multi-peril, commercial umbrella, school board indemnity, employees' blanket bond, workmen's compensation, vehicle insurance, musical instrument, boiler and machinery, and all other coverages as decided by the Board of Education.

Quotes and coverage options shall be received from the District's existing broker for each of the above categories on a rotating basis beginning with Group 1 items and proceeding in order:

Group 1: Every three years
Group 2: Every three years

The Board reserves the right to change the quotation schedule at any time, if it determines it necessary or appropriate to do so.

Legal Reference: Neb. Rev. Stat. §73-101 to Neb. Rev. Stat. §73-106 (bidding construction projects)
Neb. Rev. Stat. §52-118 (construction performance and payment bonds)
Neb. Rev. Stat. §79-8,100 (teachers receiving salespersons)

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