

PURCHASING AND ACQUISITION

CH
(LOCAL)

Business Assistance

The Business Assistance Department shall actively foster relationships with Historically Underutilized Businesses (HUB) to encourage inclusion in bid opportunities.

In accordance with the District's ~~Supplier Diversity Business Assistance Program~~, the District encourages participation goals for HUB-certified firms in procurements for goods, services, and construction. ~~goal level for minority and women business enterprises (M/WBE) shall be set at 20 percent for purchases, non-professional services, and construction services. For professional service contracts, the goal level shall be set at 35 percent of all contracts over \$1 million.~~

For competitive procurement exceeding ~~\$100,000~~ \$1,000,000, the District will ~~establish~~ encourage HUB participation goals of twenty percent for purchases, non-professional services, and construction services, and twenty-five percent for professional services.

~~The Purchasing Services and Business Assistance Departments shall actively foster relationships with minority and women-owned business enterprises to improve the business climate and the quality of life in the community and sound procurement.~~

[See the *Finance Procedures Manual* for additional information regarding purchasing and acquisition.]

Purchasing Authority

The Superintendent or designee shall have the authority to determine the method of purchasing to be used, in accordance with CH(LEGAL) or CBB(LEGAL), as appropriate, and to make budgeted purchases. Board approval is required in the following instances: ~~unless:~~

- The District solicitation purchase costs or aggregates to a cost of at least \$1,000,000 ~~shall require Board approval.~~
- The purchase is associated with a Board-approved cooperative agreement which costs or aggregates to a cost of at least \$1,000,000.
- The purchase is associated with an ~~or~~ intergovernmental agreement “(also known as an interlocal agreement)” which costs or aggregates to a cost of at least \$1,000,000.

No employee other than the Superintendent or designee shall be authorized to sign contracts that obligate the District.

The Superintendent and/or designee shall furnish a quarterly report to the Board of all District ~~solicitation~~ purchase costs or aggregates between ~~\$250~~100~~250~~,000 and \$1,000,000.

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**Emergency
Purchases**

The Board delegates to the Superintendent authority for approving emergency purchases and/or repairs, provided that any such items are presented to the Board at its next regular scheduled meeting for ratification. [See also CH(LEGAL)]

**Purchases Valued at
or Above \$~~50~~100,000**

All District contracts valued at \$~~50~~100,000 or more shall be made in accordance with the methods permitted by Education Code 44.031(a). [See CH(LEGAL)]

Competitive Bidding

If competitive bidding is chosen as the purchasing method, the Superintendent or designee shall prepare bid specifications. The bid shall be advertised in accordance with Education Code 44.031(g). [See CH(LEGAL)] All bids shall be submitted in sealed envelopes, plainly marked with the name of the bidder and the time of opening. All bidders shall be invited to attend the bid opening. Any bid may be withdrawn prior to the scheduled time for opening. Bids received after the specified time shall not be considered.

The District may reject any and all bids in accordance with state or federal law, as applicable.

**Competitive Sealed
Proposals**

If competitive sealed proposals are chosen as the procurement method, the Superintendent or designee shall prepare the request for proposals and/or specifications for items to be purchased. The proposal shall be advertised in accordance with Education Code 44.031(g). All proposals other than those submitted and sealed electronically shall be submitted in sealed envelopes, plainly marked with the name of the proposer and the time of opening. Proposals received after the specified time shall not be considered. Proposals shall be opened at the time specified, and all proposers shall be invited to attend the proposal opening. Proposals may be withdrawn prior to the scheduled time for opening. Changes in the content of a proposal, and in prices, may be negotiated after proposals are opened.

The District may reject any and all proposals in accordance with state or federal law, as applicable.

**Electronic Bids or
Proposals**

Bids or proposals that the District has chosen to accept through electronic transmission shall be administered in accordance with Board-adopted rules as set forth in Board resolution established rules and criteria for accepting electronic bids or proposals. Such rules shall safeguard the integrity of the competitive procurement process; ensure the identification, security, and confidentiality of electronic bids or proposals; and ensure that the electronic bids or proposals remain effectively unopened until the proper time.

**Responsibility for
Debts**

The Board shall assume responsibility for debts incurred in the name of the District so long as those debts are for purchases made

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in accordance with adopted Board policy and current administrative procedures. The Board shall not be responsible for debts incurred by persons or organizations not directly under Board control; persons making unauthorized purchases shall assume full responsibility for all such debts.

**Purchase
Commitments**

All purchase commitments shall be made by the Superintendent or designee on a properly drawn and issued purchase order in accordance with administrative regulations.

Personal Purchases

District employees shall not be permitted to purchase supplies or equipment for personal use through the District's business process.

**Change Orders and
Amendments**

A change order allowance or amendment for any contract shall not exceed the cumulative total change order allowance(s) established by state law. If a change order or amendment causes the value of the purchase to exceed \$1,000,000, Board approval is required (per Purchasing Authority, above).

**Sole Source
Contracts**

Prior to entering into sole source negotiations, the Superintendent or designee shall make a determination that sole source goods or services procurement is necessary in accordance with Education Code 44. [See CBB(LEGAL) and CH(LEGAL)]

For sole source purchases greater than \$500,000, notice of the intent to enter into negotiations with the sole source vendor shall be noticed publicly, such as publishing on the District's website and on bid notification forums used by the District for advertising competitive bids, at least seven days prior to presenting the item for Board ~~of Education~~ approval. The notice shall include the title and brief description of the goods or services procured, the name of the proposed vendor, and a summary of the sole source determination.