



PURCHASING MANUAL

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Purchasing Authority

Lyford CISD Board Policy Manual lists the following under CH (LEGAL) and CH (LOCAL):

- The Board may adopt rules and procedures for the acquisition of goods and services. Education Code 44.031(d).
- The Board may delegate its authority regarding an action authorized or required to be taken by the District by Education Code Chapter 44, Subchapter B to a designated person, representative, or committee.
- The Board may not delegate the authority to act regarding an action authorized or required to be taken by the Board by Education Code Chapter 44, Subchapter B.
- The Board delegates to the Superintendent or designee the authority to make budgeted purchases for goods or services. **However, any single, budgeted purchase of goods or services that costs \$25,000 or more, regardless of whether the goods or services are competitively purchased, shall require Board approval before a transaction may take place**
- The Board delegates to the Superintendent or designee the authority to determine the method of purchasing in accordance with CH (LEGAL).
- The Board shall assume responsibility for debts incurred in the name of the District so long as those debts are for purchases made 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.**
- All purchase commitments shall be made by the Superintendent or designee on a properly drawn and issued purchase order, in accordance with administrative procedures.

Accordingly the District has established the Lyford CISD Business Office under the direction of the Superintendent to assist the Board in the procurement function, and to assure such function is within compliance of all applicable statutes, Board policies, and Administrative Regulations.

General Purchasing Procedures

The objective of this manual is to establish rules and guidelines for purchasing the best products, materials and services at the lowest practical prices in a manner consistent with local, state and federal ordinances, regulations, Board of Education policies and sound business practices.

This purchasing manual will:

- provide guidance to school district employees at the campus and department levels in requisitioning materials, equipment and services,
- acquaint vendors with the school district's purchasing policies and procedures,
- promote consistency in purchasing applications throughout the school district.

All district personnel with purchasing authority should be familiar with the legal requirements for purchasing prescribed in Education Code Chapter 44.031 and Board of Education Legal and Local Policy CH. Lyford CISD purchasing and acquisition must meet these legal requirements. In order to assure legal compliance with purchasing law, the district has elected under Texas Government Code 2155, Subchapter I to participate in cooperative purchasing programs.

Purchasing Limits

School Code, Chapter 44 defines the methods of procurement to be utilized by school districts based on the level of expenditure during a twelve month period. Such expenditures are looked at in the aggregate, that is all locations in the District are considered as one unit.

There are different categories of purchases including personal property, services, construction, and real property. Personal property is defined as including, but not limited to, any item or thing that can be moved from one location to another or is consumable and does not include real property such as land, buildings, and repair or renovations to buildings. Services can include both professional and nonprofessional services. Professional services are generally defined as those for which special qualifications or licensing is required.

In order to determine the level of expenditures, the Business Office has developed a grouping of commodity categories based on those listed in Texas Education Agency Financial Accountability System Resource.

Competitive Procurement Categories

The following is a partial list of related categories to be used as a guide to determine requirements under the Texas Education Code District purchasing law. Districts shall add to this list as aggregate dollars of contracts exceed the threshold amount. This list is non-inclusive. Note: Items in the supplies and materials sub-categories or within each equipment/non-consumable category listed below must be considered as an aggregate purchase if available from a single vendor; however, contracts may be split into seasonal purchases.

Category/Subcategories

Athletics

- Athletic/Trainer Supplies
- Various Sports and Supplies (i.e., Baseball, Basketball, Cross Country, Football, Golf, Soccer, Swim, Tennis, Track, Volleyball)
- Uniforms
- Equipment/Non-consumables

Custodial

- Chemicals/Janitorial Supplies/Paper Products/Can Liners
- Contracted Services
- Equipment/Non-consumables

Food Service

- Bread
- Dry Goods, Canned and Frozen Foods
- Fresh Meat and Poultry
- Milk
- Produce
- Non-Food Supplies
- Equipment/Non-consumables

Instructional/General - Capital Equipment

- Art Equipment
- Audio Visual Equipment
- Band Instruments
- Computers/Hardware and Software
- Copy Machines
- Instructional Furniture
- Library Furniture
- Office Equipment
- Office Furniture
- Playground Equipment
- Science Equipment
- Telephone Equipment

Instructional/General - Supplies

- Art Supplies
- Dictionaries
- Duplicating Paper
- Industrial Gases
- Instructional Teaching Aids/Supplies
- Library Books/Periodicals/Filmstrips/Videos/Cassettes
- Maps and Globes
- Nursing Supplies
- Office Supplies

- Physical Education Supplies
- Science Supplies

Maintenance

- Electrical Supplies/Parts
- Freon
- Ground Maintenance Supplies (Fertilizer, Mulch, etc.)
- HVAC Supplies/Parts
- Lumber and Related Building Materials
- Paint
- Plumbing Supplies/Parts
- Roofing Supplies
- Equipment/Non-consumables

Transportation

- Automotive Parts and Supplies
- Lubricants/Oils
- Fuel
- Buses (Lease/Rent/Lease Purchase/Buy)
- Capital Equipment
- Storage Tanks
- Vehicles, Trucks and Vans

Bank Depository

Printed Forms

Nonprofessional Services

- Photocopy services, personal computer services and other equipment service contracts

Real Property

- Land
- Buildings

Insurance

These commodities are grouped so that contracts for the purchases of these items can be awarded in a competitively awarded process to assure that the schools and departments are receiving Best Value for their budget expenditures and are in compliance with all statutes, policies, and procedures.

District transactions are monitored within the Business Office so that procurements can be grouped as a commodity as needed and required under these guidelines. Procurements not covered under current commodity groupings and competitively bid contract may be delayed in order to satisfy these requirements.

Schools and departments are encouraged to purchase from established contracts to prevent such delay.

School District Purchases Personal Property or Services Valued at \$50,000 or More in the Aggregate

As directed in School Code, Section 44.031, Subchapter A, with the exception of produce or fuel, all District contracts valued at \$50,000 or more in the aggregate for the 12 month period must be procured by use of one of the following methods:

- 1) Competitive Bidding
- 2) Competitive Sealed Proposals
- 3) A Request for Proposals, for Services other than Construction Services
- 4) An Inter-local Contract
- 5) The Reverse Auction Procedure Defined in Government Code, Section 2155.062
- 6) The Formation of a Political Subdivision Corporation under Local Government Code, Section 304.001.

This applies to all personal property, services, and construction contracts, with the exception of those categories listed in the following section.

Exceptions to Competitive Procurement Requirements

Produce and Fuel

There is an exception for produce and fuel that allows the District to use any method listed above or those in School Code, 44.034 for these purchases.

Cooperative Purchase Programs

All items and services available through the Board approved cooperative have satisfied all procurement regulations for competitive procurement. These items or services do not require further bidding before being procured.

Professional Services

An additional exception applies to professional services as defined under Government Code, Section 2254.003. These services include, but are not limited to, professionals such as attorneys, architects, fiscal agents, or licensed medical professionals. Contracts for professional services are not procured through competitive bids. Rather such services are chosen through a process of selection involving the review of professional qualifications.

Sole Source Exception

As allowed under School Code, 44.031, the District is allowed to purchase items available from a single source without complying with the competitive procurement provisions.

Sole source items are defined as follows:

- 1) An item for which competition is precluded because of the existence of a patent, Copyright, secret process, or monopoly;
- 2) A film, manuscript, or book;
- 3) A utility service, including electricity, gas, water (if available through a single source) or;
- 4) A captive replacement part of component for equipment.

These exceptions do not apply to main-frame data-processing equipment and peripheral attachments with a single-item purchase price of \$15,000 or more.

Vendors claiming sole source status will be asked to provide written and signed documentation stating the reason. Departments or schools may be requested to document the reason why the particular product is required.

Emergency Damage or Destruction

If school equipment, a school facility, or a portion of a school facility or personal property is destroyed or severely damaged or, as a result of an unforeseen catastrophe or emergency, undergoes major operational or structural failure, and the Board determines the delay posed by the methods for procurement listed School Code Chapter 44.031 would prevent or substantially impair the District's ability to conduct classes or other essential school activities, then other procurement methods may be utilized as needed.

School Bus Purchases

Any contract for the purchase or lease of one or more school buses must be submitted to competitive bidding when the contract is valued at \$20,000 or more.

Leases & Rentals

Any leases or rentals of personal property or services are subject to the procurement procedures outlined in this document. An exception may be made for lease of real property where sole-source limitations might apply due to location or building requirements.

However, it is mandatory that any contracts for such transactions contain the time period for the contract, stating both the beginning and ending date. If the ending date extends past the current fiscal year ending date, a cancellation clause must be contained in the contract allowing cancellation for non-appropriation.

Bidding Process

If it is determined that the personal property or service needed will require either a Request for Bids or Request for Proposal process on the open market, the Business Office

will prepare the bid documents. The requesting department will be responsible for providing specifications of the products or services needed. Upon conclusion of the bidding process, the Business Office will open, tabulate, and provide the school or department with written documentation of the results. The school or department will be asked to evaluate and score the results, and provide a written recommendation for the award. The Business Office will review and prepare an Agenda Item for Board approval and submit it for consideration. If approved and awarded by the Board, the Business Office will notify the using school or department as well as all vendors involved in the process.

Notices of the time and place when the bids or proposals or other responses to a request for qualification may be examined must be published once a week for at least two weeks before the deadline for receipt. This notice must include the notice as to where the bids shall be opened as well as the date and time due. Such notice must be published in the county where the District's administrative office is located.

Bids or Proposals will be opened in a public meeting by the Business Department. All such openings are open to the general public or any interested party.

Contract Time Period

Lyford CISD staff may only use funds appropriated by the Board in the approved budgets. Therefore, the staff does not have the authority to commit funds in future budgets. While contracts may be issued for any time period as agreed to by the District and the vendor, if the contract extends beyond the end of the current fiscal year, it must contain a cancellation clause as defined by Local Government Code 271.903. This clause permits the district to cancel, without penalty, any contract for which the Board does not allocate funding in the sequential year's budget.

If a competitive procurement process is utilized such as a Request for Bid (RFB) or Request for Proposal (RFP) the contract time period must be clearly defined.

Best Value

In evaluating procurement decisions, the District will always apply best business practices. In doing so, the District will always consider the Best Value criteria as listed below. When seeking a competitively procured contract, the District will state the Best Value criteria listed below as well as any additional criteria to be considered within the bid or proposal document.

Best Value criteria to be considered shall include:

- 1) The purchase price
- 2) The reputation of the vendor and of the vendor's goods or services;
- 3) The quality of the vendor's goods and services;

- 4) The extent to which the goods or services meet the district's needs;
- 5) The vendor's past relationship with the district;
- 6) The impact on the ability of the District to comply with laws and rules relating to historically underutilized businesses;
- 7) The total long-term cost to the District to acquire the vendor's goods or services,
- 8) Any other relevant factor specifically listed in the request for bids or proposals.

Schools or departments will be asked to provide evaluation on all criteria included in the bid documents. All such evaluations will be maintained in the Business Office files and may be presented to the Board with the contract award recommendation

Cooperative Purchasing Contracts

To conserve and coordinate the use of public funds, school districts may enter into agreements for the cooperative purchase of goods and services between itself and other local governments or agencies (inter-local agreement).

Such contracts, if competitively bid by the cooperative administration, satisfy the requirement for competitive procurements listed under School Code, Chapter 44.031. Participation is allowed through the execution of an Inter-local Agreement between the Lyford CISD Board of Trustees and the administration of the Cooperative. Currently, Lyford CISD is an active member in a number of Purchasing Cooperatives. These include, but are not limited to:

State of Texas Building and Procurement Commission
Term contract/TXMAS contract/Piggyback contract
<http://www.window.state.tx.us/procurement/>

Order forms: [Term contract request](#)
[Term contract non-automated](#)
[TXMAS](#)

Dept of Information Resources Technology Contracts (DIR)
<http://www.dir.state.tx.us/>
Search for IT products

The Cooperative Purchasing Network - Region 4
<http://www.tcpn.org/Pages/All-Current-Contracts.aspx>

Region 2-Goodbuy Purchasing Cooperative
Formally known as Multi-Regional Purchasing Coop
<http://www.purchase.esc2.net>

(TIPS) - Region 8
<http://www.tips-usa.com/>

Buy Board

<http://www.buyboard.com/>

For login information, please call the Business Office-extension 202.

REMEMBER... When purchasing through BuyBoard, you must send the PO to BuyBoard. Sending it directly to the vendor is prohibited.

Phone: 800-695-2919

Fax: 800-211-5454

Region One Library Coop

Library Services and Media Co-Op

<http://www.esc1.net/Page/2160>

Region One

Region One Purchasing Co-Op

<http://www.esc1.net/site/Default.aspx?PageID=917>

Browse through each Award Letter for Vendor Information

Region One-Child Nutrition South Texas Co-Op

[Child Nutrition Program-South Texas Co-Op](#)

<http://www.esc1.net/site/Default.aspx?PageID=1049>

Region 20-2014 Purchasing Co-Op

www.esc20.net/purchasing

Awarded Vendors (excel spreadsheet)

HCDE Purchasing Cooperative (Choice Partners)

<http://www.choicepartners.org/html/vendors.php>

U.S. Communities

<http://www.uscommunities.org>

Region One Energy Program

Texas Energy Center- A Co-Operative of Region One

<http://www.esc1.net/site/Default.aspx?PageID=447>

Specifications

The District's end user or department is responsible for the development of specifications for the items or services needed. Specifications cannot be used that preclude competition in the marketplace on comparable items or services. The use of any brand name or manufacturer's reference should be descriptive, not restrictive, and should merely indicate the type and quality of the items desired.

Detailed specifications are desired, but, at the least, all specifications should include the minimum acceptable requirements or features. Alternate bids may be considered for award if in the best interest of the District.

The Business Office is available to assist in this area as needed.

Standardization

The District has standardized on certain equipment and materials to maintain the integrity of the District's network operations and instructional processes.

Technology Purchases

When ordering any type of technology items, i.e., software (including upgrades), site licenses, hardware, printer, computer, digital equipment, etc., the school must have prior approval of the Network Specialist. Forward all the request to the Technology Department.

The Technology Department will do the actual ordering and receiving.

Curriculum Purchases

When ordering any type of curriculum items or curriculum software proper approval shall be received from the Curriculum Office before purchase is made.

Impermissible Practices

School Code 44.031 prohibits the separate sequential or component purchases to avoid the purchasing limit requirements as set forth in this document. Violations of this or other provisions of the Procurement statutes can result in criminal charges, removal from office, and/or termination of employment.

Personal Purchases

District employees shall not be permitted to purchase supplies or equipment for personal use with District funds. All items purchased are the property of Lyford CISD. Personalized items and items not used in the performance of Lyford CISD duties or responsibilities cannot be purchased with District funds.

Conflict of Interest

[Local Government Code Chapter 176](#) provides information regarding conflict of interest statements to be filed by vendors and certain school district employees.

The Texas Conflict of Interest statutes apply to the District's officers and elected officials. There are specific rules regarding what constitutes a conflict of interest in

regards to a business transaction or real property transaction. For more information, please review the information provided on the Texas Ethics Commission website, www.ethics.state.tx.us. For a Conflict of Interest Form click here: https://www.ethics.state.tx.us/filinginfo/conflict_forms.htm

For expenditures from federal funds, District employees should be aware that the rules regarding conflict of interest are more stringent than the State requirements. For federal expenditures, the rules state that an employee administering, directing, or authorizing the expenditure of federal funds, nor members of the employee's immediate family, can have a financial interest in a vendor involved in the procurement transaction involving federal funds.

Tax Exempt Status

The District is a political subdivision of the State of Texas and as such is exempt from state sales tax under Chapter 20, Title 122A, and Revised Statutes of Texas.

Items or services purchased for which tax exemption status is claimed must be used within the performance of the District's business.

It is a criminal offense to utilize this tax exempt status for any other purpose.

Vendor Relations

Lyford CISD is committed to maintaining an open and equitable opportunity to all interested vendors. Lyford CISD will seek to competitively procure goods and services whenever possible or as required by policies or statutes. Vendors awarded contracts by Lyford CISD are placed on the approved vendor list maintained by the Business Office. This list includes the names and contact information for all vendors with a currently active Lyford CISD contract.

Additionally, Lyford CISD will maintain a potential vendor list of all interested vendors. Vendors will be solicited for quotes as well as formal bids or proposals in their area of interest as opportunities are developed.

Lyford CISD does not discriminate on the basis of sex, race, disability, color or national origin in its business practices.

On-Site or Telephone Sales Calls

Vendors and their representatives are strictly prohibited from contacting, either in person or by telephone, instructional or support personnel during instructional periods, without the prior approval of the Principal or Department Director.

All vendors entering school buildings are required to follow the proper check-in procedures for each location. This includes the presentation of a picture identification card. Vendors cleared for entry into the school will receive a visitor's badge which must be worn while on the premises.

Gifts from Vendors

Vendors are prohibited from offering gifts or favors that could influence, or that could be perceived to influence, purchases utilizing District funds. Any such offers should be refused by the employee and immediately reported to their Principal or Department Director. The Principal or Department Director should then report such activity directly to the Business Office.

Such gifts could include meals, trips, tickets for entertainment, or electronics. Employees should note that acceptance of such gifts can be a violation of state statutes, and a basis for criminal prosecution.

It is permissible to accept small incidental advertising items with a value of less than \$5 retail. These items must be clearly identified as marketing items with the company's name or logo clearly displayed. Such items may be accepted by staff or distributed to campus staff, as desired. These items include, but are not restricted to, coffee mugs, calendars, notepads, pens, and pencils. Care should be taken that the display of such items is not done in such a manner that would give the perception of vendor preference.

Complaints Regarding Vendors and Evaluations

When problems are encountered with a vendor regarding products or service, it is important that the problem be documented. All pertinent information should be noted – date, time, location, and problem details. The vendor should then be contacted by phone or in writing notifying them of the problem and the resolution desired. A record of all such communication should be kept. If the problem cannot be resolved or continues, the Business Office should be notified. All details of the problem should be provided, including the history of all previous communication regarding the problem.

The Business Office will then take appropriate action which may include written notification to the vendor outlining the problem and the potential breach of contract. All record of the problem and action taken will be kept on file and used in future vendor evaluations.

Vendor's Criminal History

Effective January 1, 2008, Texas Education Code Chapter 22, Subchapter C requires service contractors of school districts in Texas to obtain criminal history record information regarding covered employees and to certify to school districts that they have done so. Covered employees with disqualifying convictions are prohibited from serving at a school district. As defined by Texas Education Code, Chapter 22, disqualifying

convictions include any of the following, if at the time of the offense, the victim was under 18 or enrolled in a public school:

1. A felony offense under Title 5, Texas Penal Code;
2. An offense for which a defendant is required to register as a sex offender under Chapter 62, Texas code of Criminal Procedure; or
3. An equivalent offense under federal law or the laws of another state.

Service contractors must obtain the criminal history record information on all new or existing employees who will have continuing duties relating to the contract and will have direct contact with students. Covered employees employed by a contractor before January 1, 2008, are subject to name-based criminal history reviews and contractors must obtain the criminal history record information as soon as practicable. Covered employees employed by a contractor employed on or after January 1, 2008, are subject to fingerprint-based criminal history reviews and contractors must obtain the criminal history record information before or immediately after securing the services of the covered employees.

Contractors must contact the Texas Department of Public Safety (DPS) directly to establish an account to obtain criminal histories. Instructions for establishing an account with DPS are enclosed. Fingerprints are conducted through the DPS vendor, Integrated Biometric Technology. The contractor must certify to the school district that it has performed the required criminal history reviews.

REVISED SEPT 2016