

 <b>GOVERNING BOARD POLICY</b>	POLICY TITLE: <u>Purchasing Procedures Procurement Policy</u>
	POLICY CODE: DJ

**Bidding, RFP Requirements and Emergency Relief Competitive Solicitation Threshold Requirements, Procurement Approval Levels, After-the Fact Transactions, and Various Procurement Policies**

~~Tucson Unified School District No. 1 shall seek to maximize value to the extent practicable for each transaction.~~

The Tucson Unified School District No. 1 shall seek competitive bids or quotations for all purchases in accordance with the requirements of the appropriate sections of the Arizona Revised Statutes, the Arizona Department of Education School District Procurement Rules, and the Uniform System of Financial Records.

Administrative regulations prescribing purchasing procedures for Tucson Unified School District No. 1 shall be consistent with the appropriate sections of the Arizona Revised Statutes, the Arizona Department of Education School District Procurement Rules, and the Uniform System of Financial Records. Regulation DJ-R: Purchasing Procedures is hereby incorporated into this Board Policy.

~~Bids, proposals, documented sole source and emergency procurements and awards shall be approved by the Chief Operations Officer, Director of Purchasing, Purchasing Manager or Contract Manager when the transaction is less than \$150,000. All procurements between \$150,000 and \$250,000 shall require additional approval of the Superintendent or Chief Financial Officer.~~

~~The following transactions shall require the approval of the Governing Board:~~

- ~~• All transactions over \$250,000.~~
- ~~• All consultant RFP awards or contracts that meet or exceed the cumulative amount of \$50,000 or the threshold for a competitive, sealed bid process under applicable state procurement regulations (whichever is less).~~

**Procurement Threshold Levels**

Purchases with an aggregated fiscal year value of less than \$10,000 shall be made in accordance with Regulation DJ-R. Such procurements are not subject

to formal competitive purchasing requirements; however reasonable judgment should be used to ensure the purchases are advantageous to the District.

For purchase transactions with an aggregated fiscal year value of at least \$10,000, but less than \$50,000, a minimum of three vendors shall be solicited for verbal price quotations or, at the direction of the Purchasing Department, three written price quotations. For either verbal or written price quotations, documentation must be provided which specifies all vendors contacted, their respective contact information and quoted prices and terms, or an indication of their election to not quote.

For purchase transactions with an aggregated fiscal year value of at least \$50,000, but less than \$100,000, a minimum of three vendors shall be solicited for written price quotations. Documentation must be provided which shall specify all vendors contacted, their respective contact information and quoted prices and terms, or an indication of their election to not quote.

Except in the case of approved emergency or sole source procurements, all purchase transactions exceeding \$100,000 shall require a formal competitive sealed bid, competitive multistep sealed bid or competitive sealed bid or proposal process in accordance with the requirements of the Arizona State Board of Education Administrative Code and the Uniform System of Financial Records.

The Purchasing Department representative most closely involved in the procurement shall serve as the District representative for protests and claims on solicitations and contracts.

### **Procurement Approval Levels**

All procurements including all documented sole source and emergency procurements shall be approved by the Director of Purchasing or the Purchasing Manager when the transaction is less than \$150,000.

All procurements, including all documented sole source and emergency procurements between \$150,000 and \$250,000 shall require additional approval of the Deputy Superintendent of Operations, Chief Financial Officer, or the Superintendent.

All Procurements, including all documented sole source and emergency procurements that exceed \$250,000, and all consultant contracts that exceed \$100,000 shall require the approval of the Governing Board.

The Director of Purchasing, ~~or the Purchasing Manager or Contract Manager~~ may sign procurement agreements on behalf of Tucson Unified School District No. 1, when the agreements comply with applicable rules, regulations, statutes, and policies. The

Purchasing Department shall prepare written determinations as required by the Arizona Department of Education School District Procurement Rules prior to issuing solicitations for multi-step sealed bidding, competitive sealed proposals, and multi-term contracts, or non-construction contracts requiring bid or contract security.

~~The Purchasing Department representative most closely involved in the procurement shall serve as the District representative for protests and claims on solicitations and contracts, except those for construction, construction-related professional services and the Food Services Department. The Chief Operations Officer shall serve as the District representative for construction and construction-related professional services contract protests and claims. The Food Services Purchasing Manager shall serve as the District representative for Food Services Department contract protests and claims.~~

### **Construction and Construction-related Professional Services Contracts**

~~The Chief Operations Officer shall serve as the procurement officer for construction and construction-related professional services contracts.~~ Construction-related professional services shall include, but are not limited to architects, engineers, geologists, surveyors, and applicable testing laboratories. The procurement officer for construction and construction-related services is authorized to develop, evaluate and recommend award of applicable solicitations, and to approve, sign and administer applicable contracts and change orders in accordance with this Governing Board Policy. ~~The authority to approve and sign contracts and change orders shall not extend to bids, proposals or purchase orders. The maximum dollar amount of an individual job order for a job-order-contracting construction service shall be one million dollars (\$1,000,000) or as determined by the Board.~~

### **Food Services Fund Purchases**

~~The Director of the Food Services Department shall serve as the procurement officer for food services fund purchases. The procurement officer for food services fund purchases has the authority to approve and sign contracts and change orders specific to food service fund purchases. The procurement officer for food services fund is authorized to make procurements and awards up to \$250,000. All food services fund purchases shall be made in accordance with the provisions of the Arizona Department of Education School District Procurement Rules and this Governing Board Policy. All food services fund purchases shall also comply with the requirements of the Federal Child Nutrition Programs.~~

### **Purchase Orders and After- the-Fact Procurement**

A properly executed purchase order shall be issued for the acquisition of all goods, personal services and construction. If a school site or department orders materials, services or construction prior to a purchase order being issued, then an After-the-Fact procurement has occurred. After-the-Fact procurements violate the Arizona Revised Statutes, Article 10 of the Arizona Administrative Code (School District Procurement

Rules) and the Uniform System of Financial Records. School Sites or departments that violate statute and code will be required to follow certain procedures (see Policy Regulation DJ-R).

Purchase orders may be signed only by authorized staff, which includes the Director of Purchasing, Purchasing Manager, ~~Contract Manager~~, Purchasing Department Procurement Specialists, ~~Deputy Superintendent of Operations~~~~Chief Operations Officer~~, or Superintendent. Purchasing Department Procurement Specialists are authorized to sign purchase orders for purchases up to \$~~30,000~~ 100,000, ~~unless specific prior written approval for larger amounts has been obtained from the Director of Purchasing.~~

~~Food Services Department purchase orders may be signed by the Director of Food Services, or designee. Food Services Department designees are the Food Services Purchasing Manager and Administrative Coordinator of Site Operations. Further delegation is not allowed.~~

### **Selection of Architects, Engineers and other Professionals**

It is the policy of the Governing Board that architects, engineers and other professionals shall be selected through competitive practices and procedures, to the extent practicable for each transaction. Procurement of the services of architects, engineers and other professionals shall be in accordance with the requirements of the appropriate sections of the Arizona Revised Statutes, the Arizona Department of Education School District Procurement Rules, and the Uniform System of Financial Records.

### **Selling or Purchasing for Personal Use**

No employee may purchase goods or services for personal use in the name of Tucson Unified School District No. 1.

No employee may sell goods or services for private gain to students or other employees on school premises or via District computer networks.

No employee may use his/her position with the District to solicit, directly or indirectly, the purchase of supplies, services or equipment at special discounts for private use from any school district vendor.

Any person using their employment position or influence at the Tucson Unified School District for the purpose of obtaining goods or services for personal benefit or the personal benefit of others shall be subject to disciplinary action up to and including dismissal and possible criminal charges. Such activities shall include, but are not limited to:

- A. Purchases at discounted rates not available to the general public; or
- B. Acceptance of goods and services at no or reduced cost; or
- C. Purchases with the intent of avoiding sales taxes.

It is permissible to obtain goods and services for personal use at discounted rates where suppliers typically offer educational discounts to employees of the District. Such discounts are characterized by being made available to all employees regardless of position or influence. Employees are responsible for personal transactions with vendors, including sales tax, and purchase arrangements shall not be made through the use of District purchase orders or procurement cards.

### **Procurement Card**

~~A District Procurement Card may be used to purchase supplies and materials with values of less than \$100.00 per item. The card may not be used for the purchase of capital equipment. The purpose of a Procurement Card is to maximize the use of educational funding while providing necessary controls. The Card is a means to simplify small dollar purchases of materials and services. It can eliminate multiple purchase orders to various vendors and only requires one requisition to be issued to the financial institution, who has issued the District Procurement Card. It is an easy and convenient method for purchasing last minute and emergency supplies and materials. The Procurement Card improves the payment process to the District suppliers since the suppliers are paid immediately by the financial institution, who has issued the District Procurement Card. The Card may also be used to purchase single need services such as registrations, memberships, dues and subscriptions. The Card shall not be used to purchase materials and supplies that are inappropriate for use in a public school district.~~

~~Only designated employees that have completed the required training session and have signed a user agreement may, in the process of conducting School District business, use the District's Procurement Card for specific items. (See Policy Regulation DJ-R, Section F) Card usage shall be audited regularly and must adhere strictly to usage procedures.~~

The Governing Board acknowledges that instances occur when ready payment for goods or services is in the best interest of the District. The District defines Procurement Cards as a method of payment in lieu of cash or check and used in accordance with governing policies, laws or regulations pertaining to the District (see Policy Regulation DJ-R).

The Deputy Superintendent of Operations is responsible for the implementation of all aspects of the District Procurement Card Program also known as the "pCard" Program. The Governing Board authorizes the Superintendent to secure and assign controlled limit Procurement Cards to designated personnel. District assigned Procurement Cards may not be used for personal expenditures, cash withdrawals, alcoholic beverages, tobacco or any material or service that violates policy, law or regulations pertaining to the District. Misuse may be considered misappropriation of District funds, which will result in corrective action, up to and including termination of employment.

The use of Procurement Cards is to be closely monitored and payment of statements for authorized purchases and vendor payments are to be made as promptly as possible to avoid finance charges or late fees associated with the use of such cards.

### **Ethics and Professional Conduct**

The procurement activities of ~~Purchasing/Engineering, Facilities & Planning and Food Services procurement staff, as defined by Food Service Procedures~~ the Purchasing Staff, shall be conducted on the highest level of ethical conduct. The activities of ~~the Purchasing/Engineering, Facilities & Planning and Food Services~~ all staff involved in District procurement shall promote positive relationships through courtesy and impartiality in all phases of the purchasing cycle by providing ~~a~~ a prompt and courteous ~~reception as far as conditions will permit~~ attention to all who call on a legitimate business mission, ~~and by refraining~~ Furthermore, staff shall refrain from reciprocal agreements that limit or restrain fair competition for District business opportunities. ~~Certain~~ District staff involved in procurement activities or decisions on behalf of the District is required to sign and adhere to a written Ethics Policy regarding procurement and vendor relations.

### **Instructional Technology Acquisitions of English and Spanish Software, Courseware and Materials**

~~The Tucson Unified School District No. 1 is dedicated to identifying and providing appropriate instructional technology for the immediate and long term needs of its students. Among these are the needs for English and Spanish materials to provide basic instruction in the child's native language, enrichment in the child's second language, compliance with the State of Arizona mandate for second language instruction and support for the District's TUSD 2000 and Beyond goal that each student will "demonstrate mastery of two languages" by time of graduation.~~

~~In its technology acquisitions, the District shall develop bid specifications which demonstrate the District's commitment to acquisition of comparable English and Spanish language components.~~

### **Registered Sex Offender Restriction**

All purchase orders, agreements to purchase, and contracts for services to be provided by personnel other than District employees will include the following statement:

Registered Sex Offender Restriction. The vendor/contractor agrees by acceptance of this purchase order and/or contract that no employee or subcontractor of the vendor, who is required to register as a sex offender pursuant to A.R.S. 13-3821, will perform work on District premises or equipment at any time when a District student(s) is present or is reasonably expected to be present. The vendor/contractor further agrees by acceptance of a District purchase order and/or contract that a violation

of this condition shall be considered a material contract breach and may, at the District's sole discretion, result in cancellation of the purchase order and/or contract.

### **Procurement from Arizona Industries for the Blind, Nonprofit Agencies serving the Disabled and Arizona Correctional Industries**

The District may, without a competitive solicitation process, purchase or contract for any products, materials or services directly from the Arizona Industries for the Blind, certified nonprofit agencies that serve individuals with disabilities and Arizona Correctional Industries if the delivery and quality of the goods, materials or services meet the District's reasonable requirements.

### **Intergovernmental Agreements**

Intergovernmental agreements and contracts between school districts or between the District and other governing bodies as provided in A.R.S. 11-952 are exempt from competitive bidding under the procurement rules adopted by the State Board of Education pursuant to A.R.S. 15-213.

### **District Participation in State Authorized Insurance Pools**

The District is not required to engage in competitive bidding to make a decision to participate in insurance programs authorized by A.R.S. 15-382

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**Legal Reference:** *A.R.S. 15-213. Procurement Rules of School Districts; Adoption of Rules; Report; Recovery of Damages By Contractor For Delay; Civil Action; Definition*  
*A.R.S. 15-271. Duties of Auditor General For Uniform Financial Records System; Annual Report*  
*A.R.S. 41-2501, et seq.*  
*Arizona Administrative Code*

**Cross Reference:** Regulation DJ-R, Purchasing Procedures

**Replaces:** TUSD Policy # 3320, Purchasing Procedures