



## **Operational Services**

### **Purchases and Contracts**

The Superintendent shall manage the District's purchases and contracts in accordance with State law, the standards set forth in this policy, and other applicable School Board policies.

#### **Standards for Purchasing and Contracting**

All purchases and contracts shall be entered into in accordance with applicable federal and State law. The Board Attorney shall be consulted as needed regarding the legal requirements for purchases or contracts. All contracts shall be approved or authorized by the Board.

All purchases and contracts should support a recognized District function or purpose as well as provide for good quality products and services at the lowest cost, with consideration for service, reliability, and delivery promptness, and in compliance with State law. No purchase or contract shall be made or entered into as a result of favoritism, extravagance, fraud, or corruption.

Adoption of the annual budget authorizes the Superintendent or designee to purchase budgeted supplies, equipment, and services, provided that State law is followed. Purchases of items outside budget parameters require prior Board approval, except in an emergency.

When presenting a contract or purchase for Board approval, the Superintendent or designee shall ensure that it complies with applicable federal and State law, including but not limited to, those specified below:

1. Supplies, materials, or work involving an expenditure in excess of \$25,000 must comply with the State law bidding procedure, 105 ILCS 5/10-20.21, unless specifically exempted.
2. Construction, lease, or purchase of school buildings must comply with State law and Board policy 4:150, *Facility Management and Building Programs*.
3. Guaranteed energy savings must comply with 105 ILCS 5/19b-1 et seq.
4. Third party non-instructional services must comply with 105 ILCS 5/10-22.34c.
5. Goods and services that are intended to generate revenue and other remunerations for the District in excess of \$1,000, including without limitation vending machine contracts, sports and other attire, class rings, and photographic services, must comply with 105 ILCS 5/10-20.21. The Superintendent or designee shall keep a record of: (1) each vendor, product, or service provided, (2) the actual net revenue and non-monetary remuneration from each contract or agreement, and (3) how the revenue was used and to whom the non-monetary remuneration was distributed. The Superintendent or designee shall report this information to the Board by completing the necessary forms that must be attached to the District's annual budget.
6. Any contract to purchase food with a bidder or offeror must comply with 105 ILCS 5/10-20.21(b-10).
7. The purchase of paper and paper products must comply with 105 ILCS 5/10-20.19c and Board policy 4:70, *Resource Conservation*.
8. Each contractor with the District is bound by each of the following:

- a. In accordance with 105 ILCS 5/10-21.9(f): (1) prohibit any of its employees who is or was found guilty of a criminal offense listed in 105 ILCS 5/21B-80 to have direct, daily contact at a District school or school-related activity with one or more student(s); and (2) prohibits any of the contractor's employees from having direct, daily contact with one or more students if the employee was found guilty of any offense in 5/21B-80(b) (certain drug offenses) until seven years following the end of the employee's sentence for the criminal offense; and (3) require each of its employees who will have direct, daily contact with student(s) to cooperate during the District's fingerprint-based criminal history records check on him or her.
  - b. In accordance with 105 ILCS 5/24-5: (1) concerning each employee who begins providing services in the District after June 16, 2014, provide the District with evidence of physical fitness to perform the duties assigned and freedom from communicable disease if the employee will have direct, daily contact with one or more student(s); and (2) require any new or existing employee who has and will have direct, daily contact with one or more student(s) to complete additional health examinations as required by the District and be subject to additional health examinations, including tuberculosis screening, as required by the Illinois Department of Public Health rules or order of a local health official.
9. After 1-1-23, any pavement engineering project using a coal tar-based sealant product or high polycyclic aromatic hydrocarbon sealant product for pavement engineering-related use must comply with the Coal Tar Sealant Disclosure Act.
10. Purchases made with federal or State awards must comply with 2 C.F.R. Part 200 and 30 ILCS 708/, as applicable, and any terms of the award.

The Superintendent or designee shall: (1) execute the reporting and website posting mandates in State law concerning District contracts, and (2) monitor the discharge of contracts, contractors' performances, and the quality and value of services or products being provided.

#### PURCHASING: BIDDING REQUIREMENTS AND PROCEDURES

All contracts for supplies, materials, or work involving an expenditure shall be made in accordance with the *Illinois School Code*. When bidding is required, the contract is to be awarded to the "lowest responsible bidder."

The contract is awarded by vote of the Board at an official meeting. The superintendent or his designee shall report the results of the bidding to the Board, together with a recommendation regarding acceptance. Whenever the lowest bid is not recommended, "as the lowest responsible bid" justification shall be provided.

Bid deposits of 10 percent of the bid amount, assuring good faith in bidding, and performance bonds to the extent of 100 percent of the bid amount, may be required.

In an emergency, expenditures without bids may be made in accordance with State of Illinois law. Under this provision, the superintendent may authorize purchase of remedial goods or services in cases where personal health and/or safety are judged to be endangered, or property damage is imminent. Such action shall require approval of three-fourths of the Board.

It shall be the practice whenever possible to solicit competitive written quotations for purchases in excess of \$25,000 in order to secure the lowest prices and to make the best use of the District funds.

#### PURCHASING: BIDDING REQUIREMENTS AND PROCEDURES SPECIFICATIONS

For the purpose of securing bids or quotations on items to be purchased, specifications shall be written in such a manner as to insure, as far as possible, that the products offered for sale are acceptable for the intended purpose. However, specifications should be as broad as possible to permit competition, consistent with quality and design desired.

In some instances, the clearest specification may be the naming of a brand product or model number, with the additional qualification "or equal" to indicate that consideration will be given to items of similar manufacture, design, and quality.

A product or service may be restricted to a specified vendor or manufacturer when required for educational purposes, standardization, or otherwise in the best interest of the schools.

#### LOCAL PURCHASING

It shall be the policy of the District to purchase locally, provided goods of equal quality and at competitive prices are available from local suppliers.

Nevertheless, the District purchasing agent, is not bound to purchase any item locally that can be secured at a savings to the District from outside sources, nor shall he /she be bound to purchase locally unless adequate service and delivery can be provided by the local supplier.

#### PURCHASING: VENDOR REQUIREMENT

During the performance of a contract with the District, a contractor shall, as a term and condition of the contract, comply with all applicable local, state, and Federal laws.

#### PURCHASING: PAYMENT PROCEDURES

All bills for goods, services, salaries, expenses, or other items must be approved by the Board in advance of payment except when paid for from the Revolving Fund.

A listing of all such bills shall be prepared monthly and shall be furnished to Board members in advance of the Board meeting. Each amount presented for payment shall carry an identifying purchase order number, the name of the person or firm to whom the payment is to be made, and the code number of the budgetary item to which payment shall be debited. Approval shall be given by a Board resolution and vote, and bills so approved shall be recorded in the minutes of the meeting.

A copy of the resolution of approval, signed by the president and the secretary, shall be transmitted to the Township School Treasurer, as his/her authority to make the payments as ordered.

#### PURCHASING: VENDOR RELATIONS

In all procurement activities, Board members and District employees shall:

1. Endeavor to obtain the greatest value for every tax dollar expended.
2. Give all responsible bidders equal considerations and unbiased judgment in determining whether their product meets specifications and the educational needs of the school system. There shall be no discrimination toward vendors on account of color, race, nationality, religion or religious affiliations, age, sex or disability.
3. Discourage the offer of, and decline to accept gifts or gratuities from vendors who are supplying or who might seek to supply the school district. Professional samples and advertising items should not exceed \$50 value, and business luncheons should not exceed \$75 per person.

4. Refrain from soliciting funds, material, or favors from vendors, however worthy the purpose.
5. Any gifts or gratuities offered to family members of Board members or employees is prohibited.

#### PURCHASE AUTHORITY AND CONTRACTS

All purchases of goods, services, and equipment for which the District will be responsible for payment, except purchases made from Petty Cash funds, shall be made on official purchase orders, properly executed. Official purchase orders may be requested for Petty Cash purchases when deemed in the best interest of the District.

LEGAL REF.: 2 C.F.R. Part 200.  
105 ILCS 5/10-20.19c, 5/10-20.21, 5/10-21.9, 5/10-22.34c, 5/19b-1 et seq., and 5/24-5.  
30 ILCS 708/, Grant Accountability and Transparency Act.  
410 ILCS 170/, Coal Tar Sealant Disclosure Act.  
820 ILCS 130/, Prevailing Wage Act.

CROSS REF.: Board Policy 2:100 (Board Member Conflict of Interest), 4:70 (Resource Conservation), 4:150 (Facility Management and Building Programs), 4:175 (Convicted Child Sex Offender; Criminal Background Check and/or Screening; Notifications)

REVIEW HISTORY: 1987, 1995, 2002, 2010, 2016, 2019, May 2022