



# CFBISD Purchasing Manual

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2022-2023

This document is intended to outline the general provisions of purchasing within CFBISD

Last updated: *October 13, 2022*

**Carrollton-Farmers Branch Independent School District**  
**Purchasing Manual**

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# The Purchasing Manual Rationale

As indicated in the: TEXAS EDUCATION  
AGENCY FINANCIAL ACCOUNTABILITY  
SYSTEM RESOURCE GUIDE

“Every school district, large and small, should have a written manual describing its purchasing policies and procedures. It should be designed to assist campus level and department level personnel in the purchasing of supplies and services. Rules and guidelines for those purchases consistent with relevant statutes, regulations and board policies are a vital part of the manual.

Overall, a good purchasing manual establishes rules for making school district purchases. It provides guidance to school district employees at the campus and departmental levels in requisitioning purchases and often is used to acquaint vendors and suppliers with the school district’s policies and procedures. Internally, the manual helps in training school district personnel in purchasing procedures. Finally, it promotes *consistency* in purchasing applications throughout the school district. Such a manual can either stand alone or be made a part of a financial and accounting manual.”

The procedures described here enable our office to perform this task efficiently by assigning specific tasks to each member of the team. The procedures that are followed by the Purchasing Office are based in either state law, in local board policy or as a best business practice for the acquisition of goods and services. This manual is intended to assist staff members to become more knowledgeable of these laws, policies and procedures set forth by the purchasing office and administration.

These procedures are written in a manner that promotes fiscal responsibility to the taxpayers of the Carrollton-Farmers Branch Independent School District with the best interest of the district in mind. As time goes on, processes and procedures may change. As such it is the responsibility of district personnel to review procedures and processes to ensure practice is compliant with board policy.

State Law and Texas Attorney General Opinions Establish the minimum requirements for a school districts, and a districts governing board has the broad discretion to establish stricter local policies. This manual does not consist of all applicable rules, policies and procedures the district must follow for every circumstance but rather attempts to define the parameters for everyday purchasing operations through best practices.

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**THE FIRST RULE OF PURCHASING  
FOR ALL CARROLLTON-FARMERS  
BRANCH ISD STAFF:**

**NEVER PLACE AN ORDER FOR  
ANYTHING WITHOUT  
FIRST RECEIVING A PROPERLY  
DRAWN, AUTHORIZED & APPROVED  
PURCHASE ORDER ISSUED FROM THE  
PURCHASING OFFICE FIRST.**

Ordering without a Purchase Order is a violation of district purchasing procedure. Violating this procedure may result in severe, sometimes criminal consequences. With a properly drawn and approved, Purchase Order this can be avoided. A purchasing request is not a purchase order until it is approved through the purchasing office and Purchase Order number is created.

**BOARD POLICY STATES:** Persons making unauthorized purchases shall assume full responsibility for all such debts.

**CFBISD EMPLOYEE HANDBOOK STATES:** All requests for purchases must be submitted via TEAMS to the Purchasing department. No purchases, charges, or commitments to buy goods or services for the district can be made without a PO number. The district will not reimburse employees or assume responsibility for purchases made without authorization. Employees are not permitted to purchase supplies or equipment for personal use through the district's business office.

# THE PURCHASING GOAL AND PLEDGE:

The collective efforts of the Carrollton-Farmers Branch Independent School District, its educators, administrators and support staff, retain, as its primary goal, to provide the highest quality of education available within the approved budget. Realizing that the dollars expended represent the minimum investment in the District's end product, the education of our children, we pledge, as your Purchasing Department, to utilize the best methods and most efficient practices in procuring the supplies necessary to support the educators and staff of this District in providing the highest quality of education to our children.

It is the goal of the Carrollton-Farmers Branch Independent School District's Purchasing Department to procure the goods and services necessary to enhance the educational process in accordance with all policies and procedures established by the Carrollton-Farmers Branch Independent School District, the Texas State Department of Education, and the State of Texas. It is the responsibility of the Purchasing Department to establish and administer district-wide processes and contracts for goods and services; review purchase requests for compliance with state and federal laws, board policy, and administrative regulations; issue purchase orders for supplies, equipment and services requested by campuses and departments; act as a supplier liaison; and provide guidance and training related to purchasing issues.

All district personnel with purchasing authority, for all but construction purchasing, should be familiar with the legal requirements for purchasing prescribed in the [Texas Education Code Chapter 44.031](#) and District Board Policy (CH Local). All CFBISD purchases and acquisitions must meet these legal requirements.

Construction procurement is now controlled by the [Texas Government Code Chapter 2269](#) and [District Board Policy](#).

OUR GOAL IS TO ASSIST YOU IN ACQUIRING WHAT YOU NEED AND WHEN YOU NEED IT. This goal will be performed in a manner that is efficient and sensitive to the needs of your staff and students however, all legal and district policies must be adhered to at all times. The purchasing office strives to be knowledgeable in the needs of the district and provide for those needs. Campuses, departments and staff are independently responsible for communicating these needs to purchasing in a manner that is conducive to the processes established, best practices in time management and fairness to the taxpayers and vendors of CFBISD.

If at any time there are concerns or questions; Please reach out to the purchasing office immediately.

**(972) 968-6330**

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**Purchasing hours during the school year are Monday-Thursday 8:00 – 4:30, Fridays 8:00 – 4:00.  
Summer Hours are determined by CFBISD Human Resource each year and  
are in effect from 7:00 – 5:00, Monday – Thursday; closed Fridays**



# General Overview

This manual should serve as a guideline to answer the questions of who, what, when, why, and how CFBISD procures goods and services. Details outlining the policies and procedures of purchasing are well documented within this manual. It is the responsibility of CFBISD staff to read and adhere to all procedures. Updates to the manual will be done on the CFBISD purchasing website. Contact the Purchasing Department for clarification regarding specific procedures or unique purchases that may fall outside of the guidelines of this manual.

## **The Role of the Purchasing Office**

The role of purchasing is to help oversee the procurement process and, to a certain extent, the expenditure of its end users (campuses and departments). This requires the daily management of bid processes, reviewing purchases as they are made for compliance, studying trends on where funds are being spent to determine where more cost-effective contracts can save money and training individuals that have the authority to spend budgeted funds to do it correctly and effectively. Purchasing can also act as a vendor liaison when an end user has an issue with a vendor's performance, lack of delivery, etc. To remove purchasing from the process might create inappropriate, ineffective and potentially costly illegal purchases.

## **The Purchasing Process**

1. A product or service is identified by the district as a need
2. District wide spending is evaluated
3. A competitive procurement processes is performed by the purchasing office
4. A purchase order (PO) is created by the campus in need of products and services with an approved vendor.
5. The order is reviewed by purchasing for approval
6. The order is sent to the vendor by the campus
7. The order is received by the campus and verified to be correct and filled
8. Invoices are signed and sent by the campus or department to accounts payable or loaded into the district's financial software within the PO.
9. Payment is sent to the vendor for products and services received

The district shall not pay vendors for products and services not already received by the district and without a properly drawn purchase order.

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### **Purchasing Overview**

The Purchase Order/Requisition is used to purchase supplies, equipment or services from an external vendor. All purchase orders must be originated prior to obligating the District for an expense. The Districts Financial Software (TEAMS) requisition module allows users to enter purchase requests electronically, verify account balances, select pre-approved vendors, etc. at the point of data entry. If adequate funds do not exist in the appropriate account, the originator must submit a budget change request. CFBISD utilizes the purchase order document as **the official contract for purchasing**. It is a purchasing requisition when submitted by the originator. Once approved by the required levels of authority, it is electronically forwarded to the Purchasing Department where it reviewed and approved by staff. Once approved and released by the purchasing staff, a batch process is run throughout the day to create requisitions into purchase orders where a purchase order number is assigned. **No employee shall order or receive goods without an approved purchase order.** A system requisition cannot be used to place an order. It is the responsibility of the originator to submit the purchase order to the vendor. Failure to originate a purchase order is against District purchasing guidelines and the staff member can be held personally liable for the purchase.

### **Purchasing Laws**

The District's objective is to purchase the best value of products, materials, and services at the lowest practical prices within relevant statutes, policies, and procedures. School district staff is not authorized to override the procedures found in this section which have been written to comply with the State laws and regulations, as well as preserve a level of internal accounting control necessary to demonstrate accountability, ethical conduct, and responsible behavior. Texas Education Code, Chapter 44, Subchapter B, Section 44.031 (a) requires that all District contracts for the purchase of goods and services, except contracts for the purchase of produce or vehicle fuel, valued at \$50,000 or more in the aggregate for each 12-month period, shall be made by the method that provides the best value for the District. This means that any good/service that the District will purchase during a fiscal year totaling \$50,000 or more must be bid or purchased through a cooperative purchasing group. The legally approved methods for purchasing are as follows:

1. Competitive bidding: for services other than construction
2. Competitive sealed proposals: for services other than construction services
3. Request for proposals (for services other than construction services);
4. Inter-local contracts
5. A method provided by Chapter 2269, Govt. Code, for construction services
6. Reverse auction procedure as defined by Section 2155.062(d), Govt. Code
7. The formation of a political subdivision corporation under Section 304.001 Local Govt. Code

The appropriate procedures and bidding requirements vary depending on the total aggregate amount that the ENTIRE DISTRICT will spend on a particular item or commodity within any 12- month period. The monetary threshold used to set the procedures to be used is based on a 12- month period. This period does not necessarily correspond to the district's fiscal year. The CFBISD Purchasing Department is responsible for monitoring the compliance of purchases to the bid laws and the district's purchasing procedures.

# Types of Purchases

## **Purchasing Basics**

Always have a purchase order completed before placing an order. District does not allow confirming (non-compliant or confirming) purchase orders because this practice will bypass any accounting controls in place. The purchase order process ensures that properly approved funds are available, that all appropriate staff has approved the purchase and that is legal in all respects. Exceptions may be granted only in a true emergency when a student or staff health and safety must be addressed to prevent harm. All requisitions should be limited to 30 lines and distribution center requisitions should be limited to 10 lines.

## **Non-Compliant Purchases**

Ordering without a Purchase Order is a violation of district policy (CH Local). Violating policy may result in severe, sometimes, criminal consequences. With a properly drawn Purchase Order this can be avoided. When a campus or department places an order prior to the issuance of a purchase order, it is called a “Non-Compliant” purchase and is considered a purchase procedure violation. All “Non-Compliant” purchase regardless of the dollar amount, present problems. In many cases, these transactions create unnecessary administrative effort, bypass State of Texas Encumbrance requirements and violate procurement rules and procedures. These types of purchases are also referred to as confirming and after-the-fact P.O.s.

A “Non-Compliant” purchase is any one of the following:

- a purchase order that is issued after an item has been received/picked up
- a purchase order that is issued after a service began or has been completed
- a preview item that is delivered without a purchase order and is then purchased
- calling in the order to the vendor prior to receiving a copy of the purchase order
- sending the purchase requisition to the vendor in advance of the purchase order

## **Traditional Purchase Orders**

This type of purchase requisition in TEAMS can be called a “regular requisition” which gives staff members a method to purchase goods and services. A traditional requisition is a one-time purchasing document that specifies the goods or services ordered with the quantity, pricing and budget code. Funds are encumbered to the specified budget accounts when the requisition is submitted. The purchase requisition is routed through the various levels of authorities for approval before being presented to the Purchasing Department. The Purchasing Department verifies for compliance with bid laws and once approved the requisition is ready to be created into a Purchase Order. If a vendor does not accept purchase orders, typically they cannot be used by the district.

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### **Project Purchase Orders**

This type of requisition in TEAMS is commonly referred to as an “Open Purchase Order.” A Project requisition allows users to make multiple purchases on a purchase order to one vendor throughout the school year. A user encumbers a set dollar amount and once the purchase order is approved, they can make multiple purchases with the same purchase order up to the designated amount. After each purchase, users are required to release funds indicating permission for accounts payable to pay invoices. During the fiscal year, users may exhaust the encumbered in the original project purchase orders. Users are allowed to increase the original project purchase order but the request must be made through the Purchasing Department. The increase request must be made by filling out the “Add Funds to Project PO” form on the Purchasing Department website in the forms section.

Project POs are intended for individual projects. If there are multiple projects, then different POs should be used for each project even though they may be to the same vendor. This allows accounting to keep projects separated and receipts and invoices from being mixed. A Traditional PO should be used when possible instead of a Project PO.

Project POs are used for small frequent purchases usually not in excess of \$500. After a purchase is made, a user is required to upload and attach a copy of the receipt in the open purchase order in TEAMS. Common vendors used for Project Purchase Orders are Sam’s Club, Lowes, Hobby Lobby or Kroger.

When ordering catered food, a completed quote sheet should include all applicable costs for food and service. A TEAMS’ requisition should list all the items on the quote sheet and the sheet should be attached to the requisition.

Some instances may allow for increases on existing Project purchase orders, however increases will not be approved until all invoices reflecting the expenditure of the current balance are uploaded into TEAMS for review. In any case all receipts and invoices should be uploaded into TEAMS for all items purchased with a project PO.

### **Not-To-Exceed Purchase Orders**

This is a form of a Project PO where users are able to create a purchase requisition to one vendor that gives purchasing authorization up to a predefined amount. This type of purchase requisition is limited to \$500. A Not-To-Exceed purchase requisition can be used for a one-time purchase. Once the purchase is made, users are required to release the amount of funds that were used. The remaining encumbered funds are released upon PO close out.

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### **Warehouse Orders**

CFBISD maintains a warehouse that keeps commonly used items in stock. The warehouse provides users access to goods without having place orders to an outside vendor. Warehouse orders are routed through the same levels of authorities as other purchase requisition. Purchasing will assist campuses in the use of the district's financial software to identify and request products located within the warehouse. Warehouse requisitions should be limited to 10 lines.

### **Employee Reimbursements**

Employees are reimbursed in TEAMS through the Employee Reimbursement module. Allowable employee reimbursements include certification fees, refunds, registration fees, tuition, travel (In- State and Out-of-State) and Principal – Direct Reimbursement (Limit of \$250). Employee reimbursements are not managed through the purchasing office. Employees should reference the Business Office for questions regarding reimbursements. Employee reimbursement are **not** intended to be used to circumvent the procurement process.

### **Check Requests**

This type of payment request is used to pay vendors for entry fees, admission to camps for students, registration fees, prepayment for hotel cost, parent refunds, membership dues and various other payments to miscellaneous operating costs. Check requests are not managed through the purchasing office. Employees should reference the Business Office for questions regarding check requests.

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# Explanation of Purchasing

## **The Why of Purchasing**

Purchasing in the public sector environment presents numerous challenges including but not limited to:

1. The requirement to comply with numerous statutes, policies, legal interpretations, and procedures. The complexity of these requirements demands not only knowledge of purchasing laws and standards but compliance in implementing a purchasing system that also meets user needs.
2. School districts are complex organization with diverse functions. Although instruction is the heart of the organization, numerous other services, ranging from custodial services to foods service to tax collection support the overall education mission. These district organizational units need a procurement process that is responsive to their needs.
3. The strong competition among vendors for school district business may create pressure on school district personnel for product selection, bid or proposal awards, and dispute resolution. CFBISD seeks to foster both good vendor relations and strong competition but balance them with objective purchasing decisions.
4. School District purchasing is scrutinized by diverse groups including those from the public, the media, state and federal agencies, and auditors. Strict adherence to established guidelines and consistency in record keeping, documentation, and execution of procedures assists CFBISD in withstanding this scrutiny.
5. The “gray” areas relating to purchasing methods and procedures create complex and diverse needs and as well as challenges for districts to determine the appropriate purchasing methods. Ever-changing legislative, executive, and judicial decisions at both the state and federal level further complicate the procurement process.
6. The complexity of these requirements demands knowledge of purchasing laws and also compliance in implementing a purchasing system that meets user needs.
7. Legal and Policy Requirements for Texas School Districts (CFBISD) – What must be followed? Statutes containing requirements for the procurement process for school districts may be found in, but not limited to, the following:
  - Education Code
  - Local Government Code
  - Government Code
  - Texas Attorney General Opinions
  - Local Board Policy
  - Business and Commerce Code
  - Agriculture Code
  - Health and Safety Code
  - Occupations Code
  - Code of Federal Regulations

# Purchasing Hints and Reminders

**All purchases must be made through an approved vendor when using local budgets, federal funds, and 461 funds.**

## **What are the different types of funds?**

Typically, departments and campuses will utilize four main types of funds. 199 General Funds, 461 Campus Activity Funds, 865 Student Activity Fund, and 200-379 Federal Funds. Many more funds exist yet these funds are typically used for much of the purchases done in a school district. Each type of fund has its own set of rules, laws, policies and procedures. These procedures are in place to ensure funds are spent in a manner consistent with state and federal laws, the universal design and [the vision, mission and goal of the district](#).

## **199 General Fund**

This fund usually includes transactions as a result of revenues from local maintenance taxes or state and county tax revenues. These funds are traditionally spent as educationally relevant expenditures for the general operation of the school (or district), contain a public purpose in the realm of education, or directly and indirect benefit students such as field trips or classroom and office supplies.

## **461 Campus Activity Fund**

Campus Activity funds are funds generated locally at the school or donated to the school and includes school office and departmental accounts. Campus activity funds are considered by TEA to be district general funds. The expenditure of these funds must comply with state and board policy and with district regulations. Activity fund purchases should comply with the district's purchasing procedures and relevant statutes. Purchases which exceed \$50,000 must comply with the Texas Education Code, Section 44.031. [CFD\(LOCAL\)](#) states "The Superintendent shall establish regulations governing the expenditure of District and campus activity funds generated from vending machines, rentals, gate receipts, concessions, and other local sources of revenue over which the District has direct control. Funds generated from such sources shall be expended for the benefit of the District or its students and shall be related to the District's educational purpose." These funds are used to benefit the campus as a whole; decision to spend money from these accounts rests with the campus principal. These funds include school office and departmental accounts that are typically generated through grants, donations, or fundraising. Not generated through taxation. These funds fall under purchasing guidelines because they are considered to be revenue.

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## **865 Student Activity**

Student activity funds are funds generated by specific student groups, not by the district or campus. The students make decisions about the expenditures of student activity funds. These funds are used if the decision to spend money from these accounts rests with the students (elected club or class officers). [CFD \(LOCAL\)](#) states “Funds collected by student groups shall be used only for purposes authorized by the organization or upon approval of the sponsor. The principal or designee shall approve all disbursements and shall be authorized to sign contracts for performers and related activities paid from student activity funds. Contracts shall not exceed one year in length. All funds raised by student organizations must be expended for the benefit of the students.” 865 funds are held in a custodial capacity by the District. The District does not own these funds; it only acts as the fiscal agent. These funds are exempt from purchasing guidelines but should be spent in an appropriate fashion.

## **Federal Funds**

Federal Funds must be expended in accordance to the fund program guidelines. Reference should be made to the [State and Federal Grants Manual](#). This manual is available on the [Business Support Services](#) webpage. All purchases that exceed \$10,000 but fall under \$50,000 must include three quotes for federally funded purchases.

## **System for Awards Management (SAM) Verification when purchasing with Federal Funds** **Added 05/22/2019**

### **SYSTEM FOR AWARD MANAGEMENT (SAM)**

As a recipient of Federal Funds, CFBISD is required to verify that all purchases are made from vendors that are not listed as debarred or suspended by the Federal Government due to violations of federal rules and regulations for contracting with the Federal Government. To accomplish this, a system for searching disbarred and suspended vendors has been created, which is known as the System for Award Management, or SAM.

- The General Service Administration’s (GSA) Office of the Integrated Award Environment (IAE) is consolidating the government wide acquisition and award support systems into one new system—the System for Award Management (SAM). SAM is streamlining processes, eliminating the need to enter the same data multiple times, and consolidating hosting to make the process of doing business with the government more efficient.
- SAM is used by anyone interested in the business of the Federal Government, including:
  - Entities (contractors, federal assistance recipients, and other potential award recipients) who need to register to do business with the government, look for opportunities or assistance programs, or report subcontract information;
  - Government contracting and grants officials responsible for activities with contracts, grants, past performance reporting and suspension and debarment activities;
  - Public users searching for government business information.

All Board awarded vendors undergo a search through SAM before being presented to the Board for approval. CFBISD end users will be required to conduct a search for vendors that are under the threshold for Board action and attach to each individual transaction. To conduct a search, please access the System for Award Management from the following link:



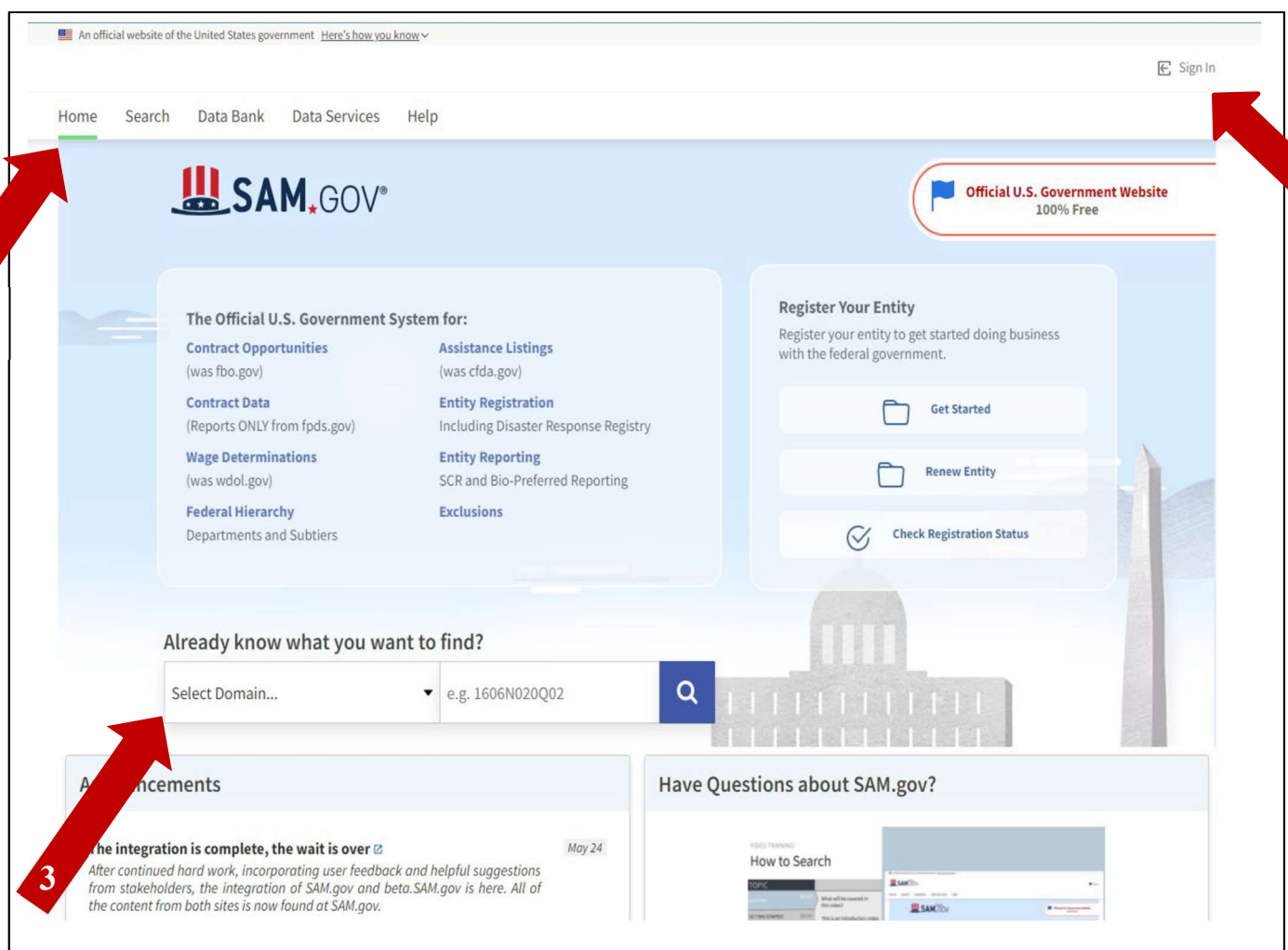
<https://sam.gov/content/home>

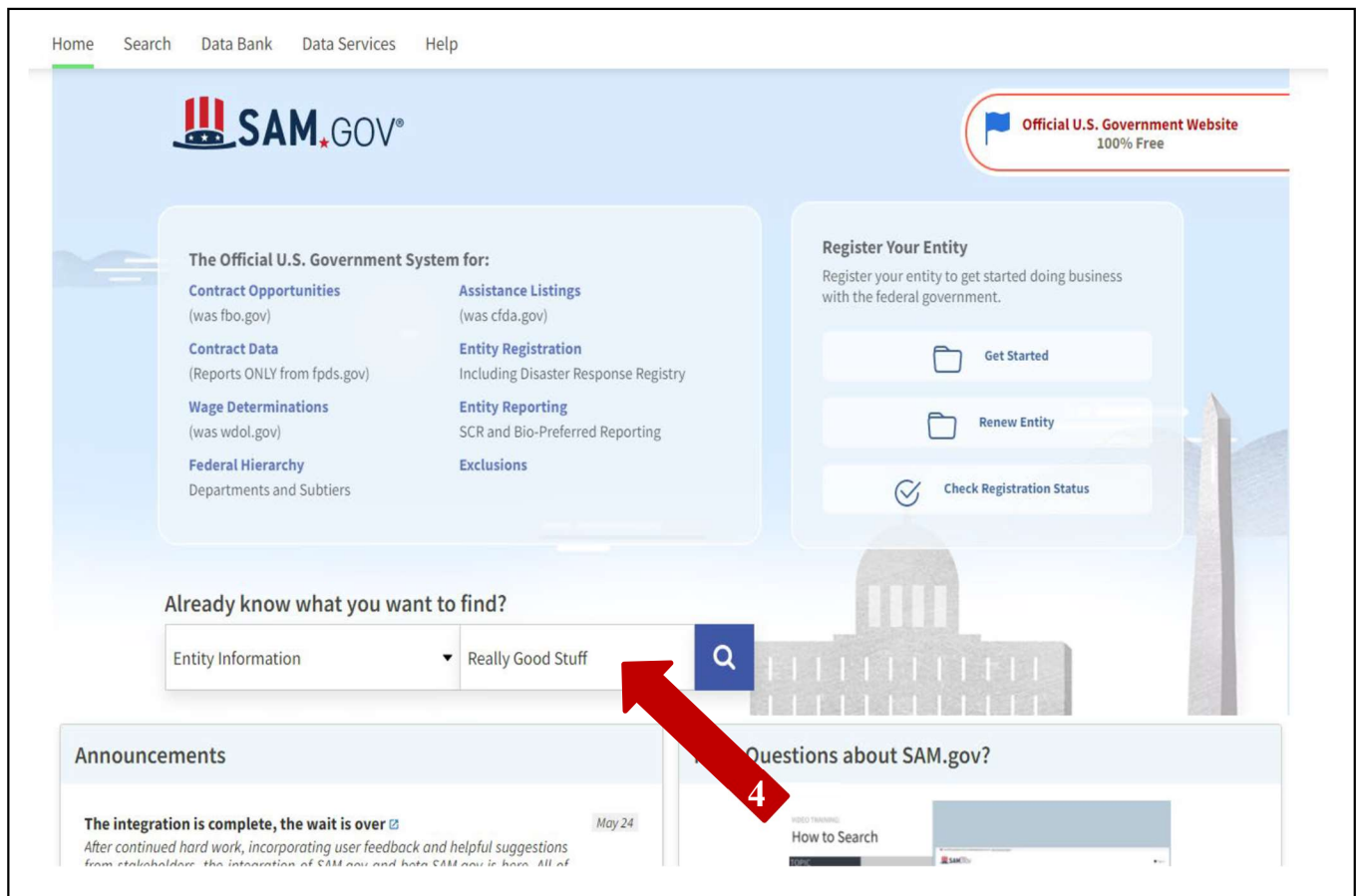
1. You will need to create a sign in and it will utilize Two-Factor Authentication. You can begin this process by clicking “Sign In”. If you already have a log-in, please make sure you log in before you begin each time (it may log you out often).

2. After you complete this process and are signed in, click “Home”.

3. Go to “Select Domain...” and select “Entity Information” from the drop-down arrow. Using the Quick Search Field, enter the vendor’s name as it appears in their vendor profile. If a vendor is listed under a fictitious name, also shown as Doing Business As, or dba, it will be necessary to conduct several searches using each rendition of a vendor’s name. For example, for ABC Company, dba All Bases Covered, Inc. users will need to conduct a search for ABC Company and All Bases Covered, Inc. to conduct a thorough search.

Enter the vendor’s name in the Quick Search Field as shown below:





4. Search for your vendor using the box to the right and click search.

**If you do not see your vendor listed, skip to step 9.**

5. Select your vendor by clicking on their name.

**SAM.GOV** Requests Notifications Workspace Sign Out

Home Search Data Bank Data Services Help

Search e.g. 1606N020Q02, asph Search Results Saved Searches Actions

Select Domain Entity Information

All Entity Information Entity Registrations Disaster Response Registry Exclusions

Filter By

Keywords

"really good stuff"

Entity Location Status

Active

Showing 1 - 25 of 3,126 results

Sort by Relevance

**Really Good Stuff, LLC** Active

DUNS Unique Entity ID 084799477 CAGE Code 6U359 Physical Address 5 Research Dr Ste 150, Shelton, CT 06484 USA Expiration Date Jan 25, 2022 Purpose of Registration All Awards Entity Registration

**Really Right Stuff, LLC** Active

DUNS Unique Entity ID 624856746 CAGE Code 4RY43 Physical Address 720 S 850 E, Lehi, UT 84043 USA Expiration Date Apr 21, 2022 Purpose of Registration All Awards Entity Registration

**GOOD STUFF, THE** Active

DUNS Unique Entity ID 096707613 CAGE Code 8CXD9 Physical Address 3733 MILHAVEN ROAD, WINSTON SALEM, NC 27106 USA Expiration Date Apr 20, 2022 Purpose of Registration All Awards Entity Registration

**Really-Virtual Consulting, LLC** Active

DUNS Unique Entity ID 080952103 CAGE Code 81PX4 Physical Address 22349 La Palma Ave, Unit 108, Yorba Linda, CA 92887 USA Expiration Date Jan 13, 2022 Purpose of Registration All Awards Entity Registration

**USA REALLY** Active

DUNS Unique Entity ID (blank) CAGE Code (blank) Physical Address ST. PETERSBURG, RUS Exclusion Classification Special Entity Designation

6. Click "Download."

An official website of the United States government Here's how you know

**SAM.GOV** Requests Notifications Workspace Sign Out

Home Search Data Bank Data Services Help

Download Follow

**Entity Registration**

Core Data Business Information Entity Types Financial Information Points of Contact Assertions Reps and Certs Exclusions Responsibility / Qualification

**REALLY GOOD STUFF, LLC**

DUNS Unique Entity ID 084799477 Expiration Date Jan 25, 2022 Registration Status Active

SAM Unique Entity ID D4N9DKJWELB4 Purpose of Registration All Awards

CAGE/NCAGE 6U359

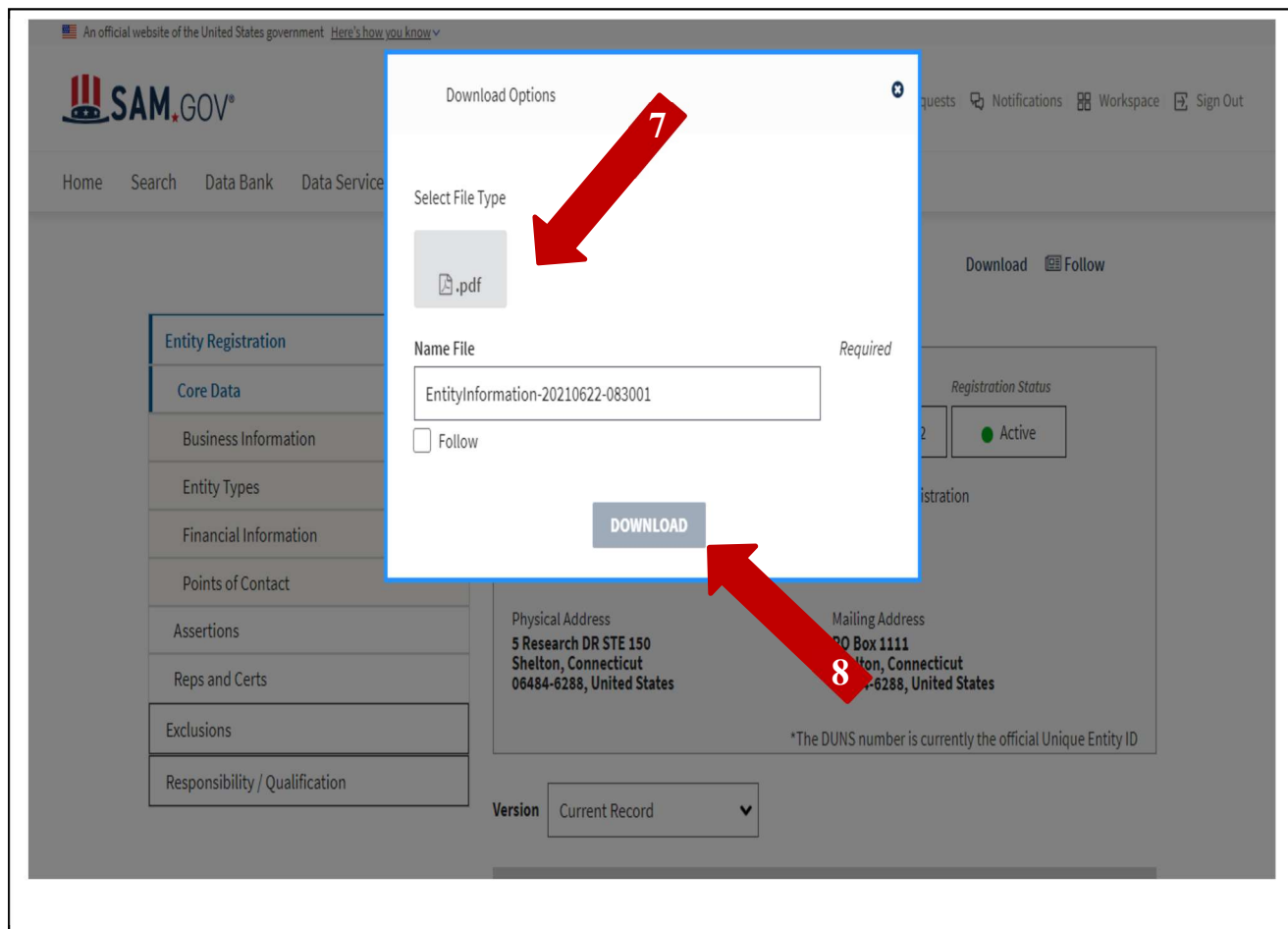
Physical Address 5 Research DR STE 150 Shelton, Connecticut 06484-6288, United States

Mailing Address PO Box 1111 Shelton, Connecticut 06484-6288, United States

\*The DUNS number is currently the official Unique Entity ID

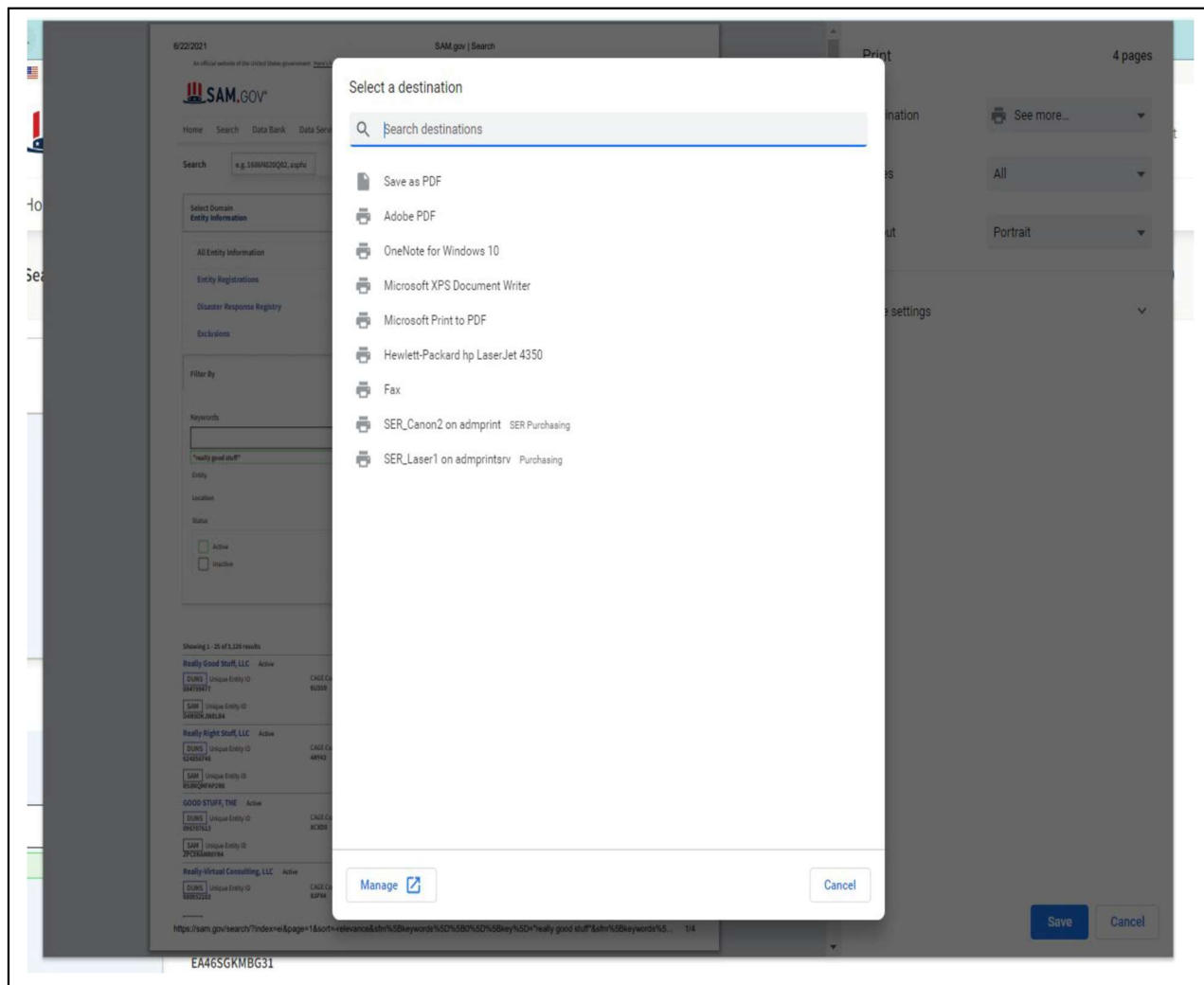
Version Current Record

7. Click “.pdf” under “Select File Type.”
8. Click “DOWNLOAD” and **you are done.**



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9. If your vendor is not listed, right click on the screen.
10. Select “print”.
11. Select your preferred pdf application as your destination.



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12. Under "Pages," select "Custom" from the drop-down and type "1-2".
13. Click "Save" or "Print" depending on your chosen application. Be sure to include the vendor name in the file and the date of the search. For example, "SAM\_Search\_ReallyGoodStuff\_06-21-2021" then attach this to your requisition.

The screenshot shows the SAM.gov search results page. On the right side, there is a sidebar with settings. A red arrow labeled '12' points to the 'Pages' dropdown menu, which is currently set to 'All'. Below it, the 'Layout' is set to 'Portrait'. At the bottom of the sidebar, there is a 'Save' button and an 'Cancel' button. A red arrow labeled '13' points to the 'Save' button. The main content area shows search results for 'really good stuff' with filters for Keywords, Entity, Location, and Status. The results list includes 'Really Good Stuff, LLC', 'Really Right Stuff, LLC', 'GOOD STUFF, THE', and 'Really Virtual Consulting, LLC'.

6/22/2021 SAM.gov | Search

Home Search Data Bank Data Services Help

Search e.g. 145H922Q02, any/... Search Results Saved Searches

Select Domain Entity Information

All Entity Information

Entity Registrations

Disaster Response Registry

Exclusions

Filter By

Keywords

Entity

Location

Status

Active

Inactive

Reset

Showing 1 - 21 of 1,126 results

Really Good Stuff, LLC Active

Entity Registration

Expiration Date: Jan 25, 2022

Purpose of Registration: All Awards

Really Right Stuff, LLC Active

Entity Registration

Expiration Date: Apr 21, 2022

Purpose of Registration: All Awards

GOOD STUFF, THE Active

Entity Registration

Expiration Date: Apr 25, 2022

Purpose of Registration: All Awards

Really Virtual Consulting, LLC Active

Entity Registration

Expiration Date: Jan 13, 2022

Purpose of Registration: All Awards

Save Cancel

## **Child Nutrition Procurement Procedures**

Purchases that support the Child Nutrition Program are governed by the Texas Department of Agriculture (TDA) and require its own process for Procurement Administration. Because of the uniqueness of these rules and regulation, a separate Child Nutrition Procurement Procedure Manual has been generated and is used to supplement the procurement process. (See **Child Nutrition Procurement Procedure Manual.**)

### **What is a Contracted Vendor?**

An contracted vendor is a vendor who:

- Has been awarded by CFBISD through its own bidding process
- Has been reviewed and approved by purchasing for use through a purchasing cooperative or Interlocal agreement
- Accepts purchase orders
- Has completed and submitted all forms or documents required by the district for approval and the purpose of doing business with the district. These documents may include but are not limited to:
  - W-9
  - Conflict of Interest Form
  - Felony Conviction Form
  - HB 1295
  - Chapter 2270 Verification (*Effective Sept. 1, 2017*)
  - Chapter 2272 Verification (*Effective Sept. 1, 2019*)
  - Chapter 809 Verification (*Effective Sept. 1, 2021*)
  - Chapter 2274 Verification (*Effective Sept. 1, 2021*)
  - Suspension or Debarment Certificate
  - Certificate of liability insurance naming CFBISD as an insured

Contracted vendors can be found through the [Purchasing Website](#). Campuses must obtain a quote from a vendor prior to putting a purchase requests into the districts accounting system (TEAMS).

### **Campus Requests for Vendors**

The purchasing office has the ability to utilize a mass multitude of vendors. As such each vendor is not automatically input into the accounting system within the district. Each campus and department should review the approved vendor list to see if the vendor has been approved and for other relevant information regarding use of a vendor. If the vendor is not on the website, the financial software should be reviewed for the vendor. If the vendor exists in the financial software but is not on the website, please reach out to the purchasing office for further information.

If the vendor does not exist, the purchasing office form for New Vendor Request should be completed and submitted for the purchasing office to review. This form may only be completed by employees of the district. Our office will look for comparable items form contracted vendors, or a cooperative contract to use for the requested vendor. Please note that not all vendors requested can be added, so please do not work or plan with a vendor until you have received approval to proceed.

A buyer must review and approve the use of every vendor, ensure proper documentation has been received, and assign an appropriate purchasing commodity to each vendor. The purchasing department secretary is the only authorized individual to approve vendor creations on a daily basis. The purchasing



department secretary shall not have the ability to approve purchase orders. Other members of administration may have the rights in case of the secretary's absence however purchase order approvers should not have the ability to create vendors. This allows for a separation of duties and checks and balances and reduces the opportunity for internal fraud.

### **Unapproved Vendors**

An unapproved vendor is one that has not been actively reviewed and approved by the purchasing office for compliance with appropriate fund expenditures. Unapproved vendors include but are not limited to "865 only" vendors who are used with 199 or 461 funds or vendors who were previously on contract who are not any longer. Campuses wishing to make a purchase from an unapproved vendor request the help of the CFBISD purchasing staff prior to issuing a purchase request. No staff member may purchase from a vendor not currently approved by purchasing without written permission and the aid of the purchasing staff. This rule is in place to protect staff from making an illegal purchase and suffering possible criminal charges. Vendor's contracts and approval status' will change with time and purchasing should be contacted if current contract information is not available for campus use.

### **Vendor Protests**

CFBISD policy shall not be intended to prohibit vendors and their representatives from issuing formal complaints or concerns about purchasing decisions and recommendations. Members of the public, including vendors, that have a complaint regarding the District's purchasing decisions and recommendations may present their complaints or grievances to the Board after following the procedure defined in CFBISD Board Policy GF(LOCAL).

### **W-9**

A W-9 is a tax filing with the IRS indicating the legal taxable entity existence. As a district, we are required to report to the IRS all payments made to vendors. A W-9 is required anytime a new vendor is requested, or information has changed on an existing vendor. All sections (Exception being Line 2 only if different from line 1) of a W-9 along with signature and date must be completed in order to process any additions and/or changes. This form may not be completed or modified by district employees and should be provided and signed by a representative of the company requesting to become a vendor with CFBISD.

### **Remits**

Remit or Remittance is a payment that gets sent to a vendor for services or products. Remit address can be where a payment is sent other than what is noted on W-9. A Remit address can come from either the Campus or Accounts Payable once they have received and invoice. At times a W-9 may be required to finish this process. Accounts payable and/or the campus secretary will send invoices via email to the purchasing office with the vendor number written on the invoice and remit address highlighted. In the email small description of what needs to be completed with any other information noted. A company may have multiple remit addresses so it is critical for the campus to indicate the appropriate vendor and remit address when creating a PO, sending the PO and releasing payments

### **Quotes**

**Quotes are mandatory for all purchase order requests.** Quotes provide the district documentation prior to the issuance of a purchase order to validate that the contract is being utilized is legal and valid, that purchase price and discounts are being applied and the products being ordered are available through the indicated contract. Buyers will review quotes to ensure best practices are performed throughout the



district prior to approval.

Three (3) quotes are recommended by the purchasing office for any purchase over \$10,000 (mandatory for Federal Funds) and required for purchases over \$24,999. This applies to vendors who are also off contract or bid. Three (3) quotes may also be requested for purchases with vendors who are on bid or contract whom were awarded with a generalized catalog discount. Items that were specifically listed within a bid and awarded for such products may not require three quotes. Quotes ensure that the district is using funds in a competitive nature when using local funds (199 and 461).

Quotes should be attached to the purchase request in the financial software system for approval documentation.

**Notice:** If using a cooperative (BuyBoard, TCPN, 2013, EPCNT, etc.) cooperative name and contract number **MUST** be on the quote. You will need to advise the vendor of this information. The required contract information can be found in the vendor profile under special instructions or in TEAMS. Requisition may be denied if this information is not provided. Purchasing should be contacted regarding contract questions.

For companies that do not offer a discount, an **online shopping cart** may be utilized so long as a standard shipping calculation can be provided or calculated. If a vendor supplies an online module for pricing, a shopping list may be generated in the online module, printed out and be used as backup documentation to be attached to a purchase requisition.

### **Verbal Quotes**

Verbal Quotes may also be utilized so long as the purchasing Verbal Quote Form is completed. An additional form for Catering and Groceries is also available for bid food items and district events. Verbal quotes are not preferred and if possible written quotes from vendors should be obtained.

Email Quotes may be utilized so long as a full description, quantity, shipping, discount, contract number and total amount is provided within the email.

### **Tax**

Carrollton-Farmers Branch ISD is tax exempt on the basis of its status as a governmental entity - school district. Tax-exempt forms are to be used by staff only to purchase for the CFBISD and are not for personal use. Tax-exempt forms are available on the purchasing website.

### **Purchasing Deadlines**

Each fiscal year, the District will establish deadlines indicating the last date to enter purchase orders/requisitions, check requests, employee reimbursements and warehouse orders to be included in the current fiscal year's budget. The districts fiscal year begins on September 1<sup>st</sup> and ends August 31<sup>st</sup> each year. These deadlines are put in place to ensure the purchased items are received in nominal time for the business office to process back end paperwork prior to state mandated financial reporting.

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# Delegation of School District Signature Authority

The Superintendent of Schools has authorized a [Delegation of School District Signature Authority](#) to be effective as of August 1, 2021. The following individual(s) have been granted authority to sign contracts and agreements in the amounts indicated on behalf of the district:

COMMITTED AMOUNT	TITLE/POSITION	FUNDING SOURCE
Less than \$3,000	Principals, Directors	Local and Federal
\$3,000 to \$24,999	Assistant Superintendent or Executive Director of the appropriate division, CFO or COO	Local and Federal
\$25,000 to \$49,999	Associate Superintendent of appropriate division	Local and Federal
\$50,000 to \$99,999	Executive Cabinet Approval	Local and Federal
\$100,000 or more	REQUIRES BOARD APPROVAL	Local and Federal
Certification of Funds*	Director of Finance or Chief Financial Officer	Federal

Individuals granted signature authority are responsible for complying with all district administrative procedures, including the district's purchasing procedures. In addition, individuals authorized to obligate the district are responsible for determining appropriate funding source in accordance with the adopted budget, complying with State and Federal laws and Board policy.

- No purchase may be initiated prior to obtaining an approved purchase order.
- Persons making unauthorized purchases shall assume full responsibility for all such purchases and may be subject to disciplinary action.

*\*A district official must have been delegated authority to enter the district into legally binding agreements in order to "certify and submit" requests for reimbursements from TEA for federal grants.*

**If at any time, an individual has a question or concern regarding the terms and conditions of a contract, purchasing should be called and consulted.**

# Purchasing Law and Ethics

The district is bound by state law and local policies in the ability to agree to specific terms and conditions. Individuals who commit to contracts are implying their own understanding to the terms and conditions by signing any contract or commitment.

Frequent Terms and Contract Conditions issues:

- The Venue - the venue of any contract should be Dallas County, Texas.
- Terms - Contracts for products or services should not extend beyond 12 months (outside of contracts done by competitive procurement within the purchasing office).
- Indemnity - The district cannot indemnify companies or individuals as determined by the Attorney General. Any indemnity clause must include the language “to the extent allowable by law”
- Gift of public funds - Districts cannot provide payment for goods or services without such goods or services being provided to the district.

District contracts, except for contracts for the purpose of produce or vehicle fuel, valued at \$50,000 or more in the aggregate for each 12-month period shall be made by the method that provides best value for the District. Methods are outlined on “Purchasing Ethics and the Law” of this manual.

**All district purchases are subject to open records and/or audits. As such, inquiries into the purpose for the purchase of any good or service may be requested of campuses and administrators from purchasing or the public and must be produced in a timely manner.**

**Invoice/Payment Terms** By law, the school district has 30 days after receipt of the invoice to present payment. It is the intent of the school district to pay all invoices as promptly as possible; however by acceptance of a CFBISD purchase order you have agreed to the 30 day payment policy. All invoices are submitted to the CFBISD-Accounts Payable Department. CFBISD pays net 30 or at point of sale and complies with the State of Texas payment law, Texas Government Code, Chapter 2251. See statute for specifics or consult your legal counsel. These are minimum terms required of the CFBISD by law and the parties may negotiate custom payment terms as desired provided they do not exceed the statutory requirements.

## **Ethics: DBD Local Board Policy**

The competitive nature of the public purchasing arena and the expenditure of significant amounts of public funds require that ethical standards be incorporated into the foundation of all purchasing functions. Purchasing personnel and other school district staff face the difficult task of developing good vendor relations and encouraging vendor competition while avoiding even the appearance of favoritism or other ethical misconduct. Know the purchasing laws – the penalties for breaking them are severe and criminal penalties may apply. Employees are responsible for ensuring they are in compliance with [Local Board Policy: DBD LOCAL](#).

### **Gifts to Employees**

An employee shall not accept or solicit any gift, favor, service, or other benefit that could reasonably be construed to influence the employee's discharge of assigned duties and responsibilities. A district employee should not seek any kind of personal gain through their role as a member of the purchasing process, including a request to purchase to or from campus secretaries.

Gifts may not be accepted by district employees as consideration for a decision, recommendation, votes, or other exercise of discretion - this is bribery, and is a second degree felony. Be sure to check state and district policy when you are in doubt.

Ethics relating to conflicts of interest, financial interests in firms conducting business with the school district, kickbacks, gratuities, and improper use of a position or confidential information are areas to be aware of potential problems if not handled according to the law.

### **Awards and Recognitions**

The general rule is that giving away an item purchased with district funds is not allowable as it is considered a "gift of public funds". However, the district does allow one-time nominal awards or recognitions when it meets the following criteria:

- the award must be nominal, not extravagant (examples of allowable awards include certificates, plaques, or trophies)
- the award must be reasonable
- the award should not exceed a value of \$50.00
- the award must not be of a nature to become the subject of a news headline or report
- the award must serve a legitimate educational purpose, such as increasing morale or productivity

Due to IRS rules, gift cards (or cash gifts) are not allowed for employees from district funds. Gift cards, or cash gifts for students, are also not allowed from district funds.

[The Texas Ethics Commission website](#) offers insight and guidance on ethical behavior.

### **Personal Purchases**

District employees shall not be permitted to make purchases for personal use through the District's business office.

### **Ethical Behavior**

Buyers and campus personnel must maintain a level playing field for all participants in the RFP process. A district employee should not seek any kind of personal gain through their role as a member of the purchasing process. The Purchasing Office follows the [TASBO Code of Ethics](#) as described on their [website](#).

All staff members should enroll in the Business Ethics course (MGT 307) offered by TASBO at their earliest opportunity.

# Requisition and Purchase Order Processing

Requisitions go through an approval process. When a campus determines a need for a product or service, a requisition is created. The first person to review the requisition is typically the campus supervisor or principal. The second person is the business office secretary. Depending on the budget and amount of purchase, there could be more approvals needed prior to purchasing approval of the requisition.

Any single purchase of more than \$100,000, must first be approved the CFBISD Board of Trustees. It is the responsibility of the end user to manage and prepare for Board Approval. Typically the purchasing office is notified at least 30 days in advance of board approval to ensure compliance with Laws, policies and procedures. Purchasing does not determine campus and departmental need for services and materials in general and qualified end users should be prepared to address board questions if need be regarding the purchase of products and services.

## **Purchase Order Approval**

Except in the absence of the dedicated buyer, each buyer should approve **only** those purchase orders which are generated under the RFP's & contracts that have been assigned to them. In this way, each buyer is able to manage their contracts as they see each transaction which occurs. This also helps to improve future RFP's as the strengths and weaknesses of the existing contract are revealed as each order is processes. Buyers should not approve purchases in which they have no knowledge of contracts.

Buyers shall maintain folders, records, and vendor profiles in the district's financial software, on the departmental website, in paper files and electronic files to ensure up to date and accurate information is present. This also allows for any information to be verified and vendors' approvals to occur by other buyers approve orders in one's absence. This maintenance of vendors and contracts are done as part of their daily duties. Should information be missing or inaccurate a request may be sent to the buyer for corrected and updated information as necessary.

## **Technology Products and Software**

Products which are technology related are subject to [\*Technology Digital Review\*](#) prior to purchasing approval. These products include but are not limited to hardware, software, digital content, web based solutions, audio visual products, printers and computers. An [S.O.S.](#) should be placed with technology for approval consideration prior to the creation of a requisition. To create an [S.O.S.](#), visit the [CFB Staff Portal](#) and scroll to the bottom of the page to locate the link and access the S.O.S. system.

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### **Daily Purchase Order Count**

The Technology Specialist produces report indicating the number of purchase orders that are processed each day. This document is used to manage the daily work flow and to assess the overall workload of the Purchasing Office.

### **Representations or Certifications**

The Superintendent's designee shall represent or certify by award of a vendor to the Superintendent and/or the Board when recommending a bid or proposal be accepted, or that a purchase be authorized:

- That the procedures required by this policy and Education Code Chapter 44, as amended have been complied with
- That the proposed purchases are not "component purchases," "separate purchases," or "sequential purchases," as prohibited by Education Code 44.032, and
- That where applicable, the procurement procedures required by federal law were followed and applied.

### **Purchase Order Approval**

Each buyer should approve **only** those purchase orders which are generated under the RFP's and contracts that have been assigned to them. In this way, each buyer is able to manage their contracts as they see each transaction which occurs. This also helps to improve future RFP's as the strengths and weaknesses of the existing contract are revealed as each order is processes. Buyers should not approve purchases in which they have no knowledge of contracts. Buyers shall maintain folders, records, and vendor profiles in the district's financial software, on the departmental website, in paper files and electronic files to ensure up to date and accurate information is present. This also allows for any information to be verified and vendors' approvals to occur by other buyers approve orders in one's absence. This maintenance of vendors and contracts is done as part of their daily duties. Should information be missing or inaccurate a request may be sent to the buyer for corrected and updated information as necessary.

### **Emergency Purchases**

While you may hear the claim that a campus must make an "emergency purchase"; be advised that only the Board of Trustees is authorized to declare emergency purchases in which the normal bidding requirements are suspended. These purchases usually pertain to unforeseen structural damage or equipment failure that adversely affects normal school operations. [Education Code §44.031 \(h\)](#).

### **Cooperative & Interlocal Purchases**

Purchases from another entity's contract are allowed under State law if an Interlocal agreement has been executed between the two entities. CFBISD has executed Interlocal agreements with Region 10 ESC, the TASB BuyBoard, National IPA/Texas Cooperative Purchasing Network (TCPN) and several others. A list of approved cooperatives by CFBISD purchasing is listed on the departmental website. Buyers are responsible to validate content and accuracy of commodities with each cooperative contract prior to executing all purchases made under either cooperative or Interlocal agreements. [Education Code §44.031 \(a\); \(4\) Government Code §791.001](#)

### **Buyers Responsibilities to Cooperatives and Contracts**

Prior to the approval of a purchase with a cooperative or Interlocal agency, a buyer should verify:

- The district has executed a “master Interlocal agreement” approved by the CFBISD board of trustees in compliance with [Government Code 791.011 \(d\) \(1\)](#)
  - The agreement is filed in the contracts folder within the purchasing office
  - The agreement is uploaded into the vendor profile in TEAMS
- The cooperative allows and authorizes the district to utilize its contracts
- The specific commodity and vendor for which the product or service is being purchased is available through the contract from the cooperative.
- Review and understand the terms and conditions of the cooperative contract.
- The contract from the cooperative is not expired.
- Ensure that the product is not available from another cooperative, Interlocal agreement or district contract at a better value.

Buyers should also be familiar with:

- [District Policy CH \(Local\) Purchasing and Acquisitions](#)
- Other District purchasing policies are found in the District Policy Manual.

### **Purchasing Authority**

Pursuant to [Chapter 44, Subchapter B, Texas Education Code](#) (the “Act”), the Board delegates to the Superintendent or his designee the authority to acquire goods and services for the District to the extent authorized by the Act, subject to the provisions of and in accordance with the provisions of this policy. The Superintendent may designate one or more persons to carry out the responsibilities that are delegated herein to the Superintendent. As a general practice at CFBISD, the superintendent has designated this authority to the purchasing office.

Regardless of value, the Board delegates to the Superintendent or designee the approval of purchases of instructional materials for classroom use if such purchases were made through the Texas Education Agency’s Educational Materials (EMAT) system, subject to compliance with Education Code Chapter 31 and other Board policies.

When federal funds will be spent for the purchase of goods or services, the District’s administration shall follow the regulations, statutes, standards, and rules applicable to those federal funding sources, as well as state law to the extent applicable, in procurement of the goods or services.

### **Exceptions and Limitations**

The authority delegated by this policy does not and shall not include the authority to contract for professional services enumerated in the Texas Professional Procurement Act ([Subchapter A, Chapter 2254 Texas Government Code](#)) except for professional nursing, medicine, and optometry, which is delegated to the Superintendent or designee, subject to compliance with the Act. A financial adviser in connection with the issuance of District debt instruments, attorneys at law including bond counsel for the District, educational services authorized by [Section 11.157 Texas Education Code](#), the services of professional educators, and construction services [see [CV\(LOCAL\)](#)] are not included in this delegation.

All District contracts and purchase orders for goods and services shall be limited by and shall be in accordance with [Subchapter I, Chapter 271, of the Texas Local Government Code](#).



Final acceptance of bids, offers, proposals, awards, and contracts may be authorized or approved by the Carrollton-Farmers Branch School Board of Trustees, the superintendent or his designee for cumulative purchases that exceed \$100,000 in the aggregate for a 12-month period.

The Board and the Superintendent or designee(s) shall adhere to applicable law and shall follow rules and procedures for the acquisition of goods and services.

### **Board Approval**

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 \$100,000 or more, regardless of whether the goods or services are competitively purchased, shall require Board approval before a transaction may take place.

### **Purchasing Report**

Budgeted purchases in excess of \$25,000, but not exceeding \$100,000, shall be reported to the Board in a timely manner as a monthly Purchasing Report.

Once each year, at a time designated by the Associate Superintendent for Business Services, the Purchasing Report will include annual purchases approved by the Board of Trustees through the budget process for major purchases, such as utilities, contracted transportation services, Student Resource Officers, and similar purchases for which regular payments that may exceed the \$100,000 amount required for prior Board approval, but are excluded from the Purchasing Report. The purpose of this one time report is to provide the Board of Trustees an awareness of these purchases and the opportunity to see these expenses and approve of these projected expenditures for the fiscal year in which these purchases are to be transacted.

### **Purchases Valued at or Above \$50,000**

Except for construction and professional services, the Superintendent or designee shall select the method of procurement from the methods authorized [by Texas Education Code 44.031\(a\)](#) that will provide the best value to the District.

The method selected and evaluation criteria to be applied may be calculated to enhance and foster competition among prospective vendors, bidders, and offerors.

The method selected shall be included in notices, invitations, and instructions to bidders or offerors.

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# The Purchasing Method

The Board delegates to the Superintendent or designee the authority to determine the method of purchasing in accordance with [CH \(LEGAL\)](#). Methods may include but are not limited to competitive bidding, competitive sealed proposals, requests for proposals, electronic bids or proposals, review by committee, cooperative purchases, and Interlocal agreements and quotes. The consideration for best value to the district shall apply to all purchases.

## **Competitive Bidding**

If competitive bidding is chosen as the purchasing method, the Superintendent or designee shall prepare bid specifications. All bids shall be in accordance with administrative regulations, and the submission of any electronic bids shall also be in accordance with Board-adopted rules. 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.

## **Competitive Sealed Proposals**

If competitive sealed proposals are chosen as the purchasing method, the Superintendent or designee shall prepare the request for proposals and/or specifications for items to be purchased. All proposals shall be in accordance with administrative regulations, and the submission of any electronic proposals shall also be in accordance with Board-adopted rules. Proposals received after the specified time shall not be considered. Proposals shall be opened at the time specified, and all proposers are invited to attend the proposal opening. Proposals may be withdrawn prior to the scheduled time of 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.

Competitive sealed proposals shall be prepared with specifications in accordance with [Texas Education Code 44.0352\(b\)](#). All proposals 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 in a public proposal opening. Proposals may be withdrawn prior to the scheduled time for opening. Information from competing proposals should not be disclosed to offerors other than the names of the offerors and if any are required to be stated, all prices stated in each proposal. The District may reject any and all proposals to the extent permitted by law.

## **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. 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.

### **Cooperative & Interlocal Purchases**

Purchases from another entity's contract are allowed under State law if an Interlocal agreement has been executed between the two entities. CFBISD has executed Interlocal agreements with Region 10 ESC, the TASB BuyBoard, National IPA (NIPA) and several others. A list of cooperatives utilized by CFBISD purchasing is listed on the departmental website. Buyers are responsible for reviewing and ensuring compliance for purchases made under both cooperative and Interlocal agreements and such purchases provide best value and practice to the district. [Education Code 44.031 \(a\); \(4\) Government Code 791.001.](#)

### **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 in accordance with the adopted budget, state law, Board policy, and the District's purchasing procedures. [See CE] 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 in accordance with administrative procedures, including the District's purchasing procedures.

### **Sole Source**

To be a bona fide exemption to Texas Education Code 44.031(a) as a sole-source purchase, there must be no other like items available for purchase that would serve the same purpose or function and there must be only one source for the product because of exclusive distribution or marketing rights. The fact that a particular item is covered by a patent or copyright is but one factor in determining if the purchase falls under the sole-source exemption to the purchasing requirements.

State purchasing law allows for the purchase of products that are available from only one source. However, before a purchase is executed under this provision, the Purchasing Department requires an [Affidavit of Sole Source Compliance by Vendor](#) from the company attesting to the fact that they are the sole source of their product. Copies of all current sole source documentation are to be kept by the buyers assigned to approve areas of specialty. Campuses requesting a Sole Source purchase should consult with the Purchasing Department for guidance prior to generating a purchase requisition.

For new software, hardware or technology purchase requests not already established, campuses/departments must complete a [Technology Approval Form](#) and submit a Digital Review Request through the [S.O.S system](#) for Technology to review and approve the purchase. Once the software/hardware is approved, contact the Purchasing Department for further guidance, such as identifying or establishing a legal purchasing authority to make the purchase, or initiating a formal procurement process to make the purchase.

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# The Practice of Competitive Procurement

The purchasing office will operate with the intention of providing products to the district at the best value to the district. Best value is generally termed to acquire products in a manner that best meets the need of the district in a manner that proves timely, in quality, and does not excessively mandate unreasonable manpower at the best cost to the district. The district is the sole objector to this determination.

## **Full and Open Competition.**

The CFBISD Purchasing will develop bids, specifications, scopes of work or scopes of services which will foster *Full and Open Competition*. *Full and Open Competition* means that any vendor qualified to and desirous of participating in any procurement process, regardless of which procurement method is utilized, will have access to all procurement documents, be included in any question and answer period and process, have access to any addendum or additional information that effects the ability to respond to and comply with all requirements of any procurement process, and that all prospective vendors will be treated equally. Additionally, specifications and scopes of work or scopes of services will not be developed in such a manner as to restrict competition.

## **The Evaluation Criteria for competitive processes.**

- The criteria required by Texas Education Code 44.031(b), as amended, shall be used in evaluating bids and proposals and in awarding contracts and shall be specifically set forth in the bidding documents or request for proposals as evaluation criteria. The purchasing office shall consider:
- the purchase price;
- the reputation of the vendor and of the vendor's goods or services;
- the quality of the vendor's goods or services;
- the extent to which the goods or services meet the district's needs;
- the vendor's past relationship with the district;
- the impact on the ability of the district to comply with laws and rules relating to historically underutilized businesses;
- the total long-term cost to the district to acquire the vendor's goods or services;

The Carrollton-Farmers Branch ISD purchasing office will award a competitive procurement process based on the evaluation criteria established in the publications of such procurement documents.

## **Notice Publications**

Notice of when and where bids or proposals or the responses to a request for qualifications will be received and opened shall be published in a newspaper of general circulation in Dallas County (typically with The Daily Commercial Record) once a week for at least two weeks prior to the deadline for receiving bids, proposals, or responses to a request for qualifications.

## **Ad Affidavit**

The Daily Commercial Record provides a notarized affidavit which certifies the dates that an opportunity has been advertised. These affidavits are sent to the Office Secretary who has the responsibility of placing them in the appropriate bid folders. The buyer should make certain that an advertising affidavit has been placed in their bid folder before filing the folder in the bid storage cabinets.

[Education Code 44.031 \(g\)](#)

**Bid Document Distribution**

Bid documents are forwarded to the Technology Specialist who will post them to the Purchasing webpage. All required forms and documents will be included as part of this posting. Additional information may be posted as an addendum in response to vendor received questions or if pertinent information is deemed necessary by the purchasing office.

Vendors may download bidding documents after they complete a brief vendor information registration page. A copy of the information they provide will automatically be stored so that buyers and the purchasing office a record of every company that has downloaded the document and readily notify vendors of contracts and addendums.

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# Purchasing Processes

## **Receiving Proposals**

Vendors choosing to respond to proposals should submit any offering in an envelope clearly labeled with their company name and the proposal for which they are responding to unless otherwise instructed in the proposal document.

The secretary or purchasing staff will record the time and date that a proposal is received envelope is received as they arrive in the Office. The purchasing office may not accept proposals that are not received after the published due date and time in accordance to state law. The proposals will arrive by mail, a delivery service, or they may be delivered in person by a vendor or vendor's representative.

Responses to Requests for Proposals and Requests for Quotes, if allowed, are able to be submitted to the district via fax, email or other digital method prescribed in the procurement document for which the Board of Trustees have adopted rules. No Electronic bid process may be utilized unless rules for use of an electronic bid process or system have been adopted by the CFBISD Board of Trustees. If rules have been adopted and approved by the Board, those rules will be stated on the districts purchasing website.

## **Award Letter**

Letters of award are sent to all vendors that have been awarded contracts by the Board of Trustees, authority delegated to the superintendent or their designees any special documents that the District requires in order to make the contract move forward should be addressed in the letter of award.

For example the awarded vendor may be required to submit a payment or performance bond, or a W9 tax identification form, before a purchase order can be issued to them.

## **Webpage Information**

Each buyer is responsible for forwarding current information regarding their bids to the Special Projects Manager. Any and all information which will assist originators in preparing their purchase orders should be included and placed on the districts website. The email to which orders will be sent is critical as is any shipping information. Faxes are also able to be used when email is not available. The information posted for each vendor is indexed both in an alphabetical listing as well as a listing of vendors for each contract. These listing are found under the link on the webpage labeled "Contract Information".

## **Conflict of Interest Forms**

Conflict of Interest forms may be submitted as part of a vendor's proposal. If a vendor does provide a copy; these documents should be forwarded to the Special Projects Manager for posting to the purchasing webpage.

## **Copies of "Bid" Folders**

Documents regarding legally mandated competitive processes shall be maintained buy the buyers of the purchasing office in accordance to public information and the districts Records Retention schedules. Electronic and/or paper files should be created with the appropriate bid name and bid number and relevant information to the process, vendors, board decisions and summaries.

### **Executive Summaries**

Executive summaries shall be created for awarded vendors of bids. Summaries shall be reported to the board in accordance to CFBISD board policy or as required by the delegation of authority to the superintendent or his designee. Buyers are responsible for completing and submitting accurate executive summaries annually within the bid files and for board approval. Buyers shall annually review bid files, commodities, spending and vendor profiles to ensure district board policy and district procedures are followed.

### **Historically Underutilized Businesses**

HUB / D / M / WBE Participation:

The purchasing office does encourage the participation by historically underutilized businesses (HUB) and disadvantaged/minority/women business enterprises (D/M/WBE) for purchases and provide them opportunities:

1. To have access to procedures for quotations and open purchase orders; competitive bidding; competitive sealed proposals; and all other procurement methods, including the Interlocal contracting method and cooperative purchasing; and
2. To compete for contracts for provision of professional services, purchases of equipment and supplies, and provision of other goods and services required by the District.

The term D/M/WBE shall mean a business in which at least 51 percent of the ownership and management is by minority group members or women owned, or in the case of a publicly owned business, at least 51 percent of the stock is owned and managed by minority group members or women, or as otherwise defined by federal law. Minority groups shall include African Americans, Hispanic Americans, Native Americans, Asian-Pacific Americans, and Asian-Indian Americans, or as otherwise defined by federal law. The District shall accept HUB certification from the comptroller of public accounts and D/M/WBE from any established certification organization.

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# Conflict of Interest Disclosures

The 84th Texas Legislature passed House Bill 23 (effective September 1, 2015) which modified the law related to conflict of interest disclosure requirements for local government officers and vendors. The following general information is provided for informational purposes only and should not be considered as legal advice to any individuals or entities. For additional information, please refer to Texas Local Government Code Chapter 176, as amended by House Bill 23.

In August, 2015, the Texas Ethics Commission adopted revised Forms CIS and CIQ pursuant to House Bill 23. Please note that the Texas Ethics Commission does NOT have jurisdiction to interpret or enforce Chapter 176 of the Texas Local Government Code. Also, please note that these forms are NOT filed with the Texas Ethics Commission. The forms MUST be filed with the CFBISD records administrator in accordance with the timelines in Chapter 176

1. **Vendors:** The law requires vendors to file conflicts of interest questionnaires (Form CIQ, see link below) disclosing certain business and/or family relationships they may have with local government officers (or their family members). The law mandates that vendors disclose certain gifts and income given to a local government officer (or their family members); including, but not limited to, lodging, transportation or entertainment accepted as a guest. The law mandates that vendors also disclose certain income received from or at the direction of a local government officer (but not received from CFBISD).
2. **Local Government Officers:** The law requires local government officers to file conflicts disclosure statements (Form CIS) disclosing certain business and/or family relationships they (or their family members) may have with vendors if the vendor enters into a contract with CFBISD or CFBISD is considering entering into a contract with the vendor. The law also mandates that local government officers disclose certain gifts and income received by the local government officer (or their family members) from vendors; including, but not limited to, lodging, transportation or entertainment accepted as a guest. Local government officers include (1) members of the CFBISD Board of Trustees; (2) CFBISD Superintendent of Schools; and (3) an agent (including an employee) of CFBISD who exercises discretion in the planning, recommending, selecting, or contracting of a vendor.

## **Vendor's Disclosures**

Vendors are required to file a Conflict of Interest Questionnaire (Form CIQ) with the District if an employment or business relationship or family relationship exists between the vendor and a local government officer ("LGO") of the District or a family member of the LGO. THERE ARE POTENTIAL CRIMINAL PENALTIES FOR FAILURE TO COMPLY WITH TEXAS LOCAL GOVT. CODE CHAPTER 176. Certain terms used herein are defined in Chapter 176. Vendors are encouraged to review and become familiar with all disclosure requirements of Chapter 176 and Form CIQ. The information contained herein is for information purposes only and shall not be construed as legal advice. "Vendor" means a person who enters or seeks to enter into a contract with a local governmental entity. The term includes an agent (including an employee) of a vendor. A vendor is required to file a completed Form CIQ if the vendor has a business relationship with



CFBISD (the “District”) and: 1. has an employment or other business relationship with a Local Government Officer (“LGO”) of the District, or a family member of the LGO; 2. has given a LGO of the District, or a family member of the LGO, one or more gifts that have the aggregate value of more than \$100 in the 12-month period specified in Loc. Govt. Code Section 176.003(a)(2)(B), excluding any gift described by Section 176.003(a-1); or 3. has a family relationship with a LGO of the District. Form CIQ must be filed with the appropriate District records administrator: 1. Not later than the seventh business day after the later of: (1) the date that the vendor: (A) begins discussions or negotiations to enter into a contract with the District; or (B) submits to the District an application, response to a request for proposals or bids, correspondence, or other writing related to a potential contract with the District; or (2) the date the vendor becomes aware: (A) of an employment or other business relationship with a LGO, or a family member of the LGO; (B) that the vendor has given one or more gifts described above; or (C) of a family relationship with a LGO. 2. The vendor also shall file an updated completed questionnaire (Form CIQ) not later than the seventh business day after the date on which the vendor becomes aware of an event that would make a statement in the questionnaire in complete or inaccurate

## Open Records Requests

The Purchasing Office may receive either written or verbal requests for information under the Texas Public Information Act (formerly known as the Open Records Act). The purchasing office may or may not be able to immediately respond to the public information request. The District’s Office of Strategic Communication Services manage official requests on behalf of the district. Information regarding requests may be found on the district website for the [Public Information Act](#).

Note: Requestors may state that they are making an information request under the Freedom of Information Act. This is a federal law which only applies to federal agencies. Requestors are frequently confused about this point. [Government Code 552](#) dictates the State of Texas obligation. **District procedures must be followed consistent with these requests.**

## Price Escalations and the Doctrine of Unconstitutional Gifts

Contracts which have been awarded for fixed prices must be held firm for the contract period. During times of price volatility, most commonly for either fuel or electricity, vendors may request to adjust their prices due to unforeseen cost increases that they have incurred. This is not allowed unless the terms of a contract specifically allow for price increases at any time during the contract term. The District would be making a gift of public funds if it allows a price increase in excess of the price for which the contract was awarded. A gift of public funds to either individuals or companies is prohibited by the doctrine of unconstitutional gifts as stated in the Texas Constitution. This section of the Texas Constitution is exhibited on the following page.

# **Enforcement of Purchase Procedures: Criminal Penalties; Removal; Ineligibility.**

[Texas Education Code - Subchapter B. - Sec. 44.032.](#)

- a. In this section:
  - 1. Component purchases means purchases of the component parts of an item that in normal purchasing practices would be purchased in one purchase.
  - 2. Separate purchases means purchases, made separately, of items that in normal purchasing practices would be purchased in one purchase.
  - 3. Sequential purchases means purchases, made over a period, of items that in normal purchasing practices would be purchased in one purchase.
- b. An officer, employee, or agent of a school district commits an offense if the person with criminal negligence makes or authorizes separate, sequential or component purchases to avoid the requirements of Section 44.031 (a) or (b). An offense under this subsection is a Class B misdemeanor and is an offense involving moral turpitude.
- c. An officer, employee, or agent of a school district commits an offense if the person with criminal's negligence violates Section 44.031 (a) or (b) other than by conduct described by Subsection (b). An offense under this subsection is a Class B misdemeanor and is an offense involving moral turpitude.
- d. An officer or employee of a school district commits an offense if the officer or employee knowingly violates Section 44.031, other than by conduct described by Subsection (b) or (c). Any offense under this subsection is a Class C misdemeanor.
- e. The final conviction of a person other than a trustee of a school district for an offense under Subsection (b) or (c) results in the immediate removal from office or employment of that person. A trustee who is convicted of an offense under this section is considered to have committed official misconduct for purposes of Chapter 87, Local Government Code, and is subject to removal as provided by that chapter and Section 21, Article T, Texas Constitution. For four years after the date of the final conviction, the removed person is ineligible to be a candidate for or to be appointed or elected to a public office in this state, is ineligible to be employed by or act as an agent for the state or a political subdivision of the state. This subsection does not prohibit the payment of retirement benefits to the removed person or the payment of retirement benefits to the removed person or payment of worker's compensation benefits to the removed person for an injury that occurred before the commission of the offense for which the person was removed. This subsection does not make a person ineligible for an office for which the federal or state constitution prescribes exclusive eligibility requirements.
- f. A court may enjoin performance of a contract made in violation of Section 44.031 (a) or (b). A county attorney, a district attorney, a criminal district attorney, or a citizen of the county in which the school district is located may bring action for an injunction. A citizen who prevails in an action brought under this subsection is entitled to reasonable attorney's fees as approved by the court.

# Doctrine of Unconstitutional Gifts

## The Texas Constitution

### *Article 3 - LEGISLATIVE DEPARTMENT*

#### **Section 52 - COUNTIES, CITIES OR OTHER POLITICAL CORPORATIONS OR SUBDIVISIONS; LENDING CREDIT; GRANTS; BONDS**

(a) Except as otherwise provided by this section, the Legislature shall have no power to authorize any county, city, town or other political corporation or subdivision of the State to lend its credit or to grant public money or thing of value in aid of, or to any individual, association or corporation whatsoever, or to become a stockholder in such corporation, association or company. However, this section does not prohibit the use of public funds or credit for the payment of premiums on no assessable property and casualty, life, health, or accident insurance policies and annuity contracts issued by a mutual insurance company authorized to do business in this State.

(b) Under Legislative provision, any county, political subdivision of a county, number of adjoining counties, political subdivision of the State, or defined district now or hereafter to be described and defined within the State of Texas, and which may or may not include, towns, villages or municipal corporations, upon a vote of two-thirds majority of the voting qualified voters of such district or territory to be affected thereby, may issue bonds or otherwise lend its credit in any amount not to exceed one-fourth of the assessed valuation of the real property of such district or territory, except that the total bonded indebtedness of any city or town shall never exceed the limits imposed by other provisions of this Constitution, and levy and collect taxes to pay the interest thereon and provide a sinking fund for the redemption thereof, as the Legislature may authorize, and in such manner as it may authorize the same, for the following purposes to wit: (1) The improvement of rivers, creeks, and streams to prevent overflows, and to permit of navigation thereof, or irrigation thereof, or in aid of such purposes. (2) The construction and maintenance of pools, lakes, reservoirs, dams, canals and waterways for the purposes of irrigation, drainage or navigation, or in aid thereof. (3) The construction, maintenance and operation of macadamized, graveled or paved roads and turnpikes, or in aid thereof. (c) Notwithstanding the provisions of Subsection (b) of this Section, bonds may be issued by any county in an amount not to exceed one-fourth of the assessed valuation of the real property in the county, for the construction, maintenance, and operation of macadamized, graveled, or paved roads and turnpikes, or in aid thereof, upon a vote of a majority of the voting qualified voters of the county, and without the necessity of further or amendatory legislation. The county may levy and collect taxes to pay the interest on the bonds as it becomes due and to provide a sinking fund for redemption of the bonds. (d) Any defined district created under this section that is authorized to issue bonds or otherwise lend its credit for the purposes stated in Subdivisions (1) and (2) of Subsection (b) of this section may engage in fire-fighting activities and may issue bonds or otherwise lend its credit for fire-fighting purposes as provided by law and this constitution. (e) A county, city, town, or other political corporation or subdivision of the state may invest its funds as authorized by law.