

PROCUREMENT AND CONTRACTING

I. General:

The Colorado Springs School District 11 Board of Education (the Board) has the authority and the responsibility for Colorado Springs School District 11's (the District's) centralized acquisition system, which includes the authority (C.R.S. § 22-32-109 (1)(b)) to adopt policies and prescribe rules and regulations for the administration of the contracting and purchasing needs of the District. The Board expects that the District's acquisition system will facilitate the efficient acquisition of supplies, equipment, services of a professional and non-professional nature, construction, and real property, as well as the disposition of surplus property. To that end, the Board directs the Superintendent or designee, to develop and oversee an acquisition system, which includes the following components and/or characteristics:

- a. A professional procurement and contracting department, staffed with highly trained procurement and contracting professionals, to maintain the District's acquisition system in a manner that ensures the best value acquisition of goods and services while balancing the transparency and integrity of vendor relationships.
- b. Acquisition procedures that promote competition, meet any applicable state law, are consistent with professional standards, and encourage fair and equitable procurement opportunities in the best interest of the District.
- c. Standard terms and conditions to be used in District purchasing and contracting activities in order to protect the District from claims and disputes.
- d. Procedures for making purchases using an automated system for efficiency of acquisition.
- e. A procurement card program and procedures for making purchases under the procurement card program.
- f. Procedures for warranting contracting officers, consistent with the rules set forth at C.R.S. § 24-102-202(e), including the following:
 - 1) A system of checks and balances for the delegation and re delegation of procurement commitment authority to qualified staff, who are expected to act in a prudent manner in the exercise of their authority, and for the revocation of such authority at the discretion of the District.
 - 2) This policy prohibits any employee of the District, who has not been given an appropriate warrant, or has not otherwise been given appropriate written authority, from making any commitment or procurement that financially obligates the District.
 - 3) This policy also prohibits any employee of the District from exceeding the limits of an otherwise appropriate warrant or other similar written authorization.
 - 4) Failure to adhere to this policy may result in the employee being required to reimburse the District for, or otherwise pay, any amounts for which he or she

obligates or attempts to obligate the District outside of his or her authority, and may also result in disciplinary action, such as suspension without pay and/or termination of employment.

- g. Ethical management, fiscal accountability and integrity in the acquisition system.
 - h. Procedures for handling protests, disputes, appeals, and claims; and, approaches and responses to vendors who bring their complaints directly to the Board or make public their complaints at Board meetings.
 - i. Procurement and contracting procedures for cooperative purchasing and similar purchasing methods, where appropriate, that are in the best interest of the District.
 - j. Management controls for unauthorized and/or inappropriate purchases that are consistent with C.R.S. § 24-109-404 and which provide liability for public employees and public officials who make unauthorized or inappropriate purchases.
 - k. Procedures which address potential and real conflict of interest issues in accordance with the ethical conduct rules, C.R.S. § 24-18-101, et seq., and Board policy.
 - l. Procedures for the purchase of energy efficient and environmentally responsible products or services.
 - m. Procedures to ensure the safety of staff and students in acquisition matters.
 - n. Procedures to limit use of check requests for purchases.
 - o. Procedures for use of advance payments.
 - p. Guidelines and procedures to determine independent contractor status on proposed contracts in accordance with the Internal Revenue Service guidelines.
- II. Support of Local Community Businesses:

The Board recognizes that the schools of the District receive substantial support from tax monies paid by individuals and businesses of the local community. Therefore, the Board encourages and supports the use of “local operating businesses”, as the District defines the term, while ensuring best value purchases.

The Board directs the Superintendent or designee the responsibility and authority to establish regulations and practices for local competitive procurement procedures that encourage participation of local vendors and are in the best interest of the District and are consistent with applicable state law, which promote prudent procurement practices, and fiscal accountability, and which take into consideration the important role that local businesses play in the on-going success of the District. Such regulations and practices shall minimally take into account the provisions for simplified procurement and formal acquisitions.

- a. Transactions identified by the District as “simplified procurements” typically lend themselves, by their nature, to be transacted through local community businesses.

Therefore, it will be the customary, but not exclusive, practice of the District to utilize local community vendors for simplified procurements as long as such transactions can be technically satisfied at a fair and reasonable price with a minimum of transaction cost.

- b. Unless exempted due to sole source or emergency requirements as outlined in C.R.S. § 24-103-205 & § 24-103-206, or as otherwise provided by law or the Board, transactions identified by the District as “formal acquisitions” will be advertised to vendors who access the District’s homepage and/or electronic procurement system used by the District. The homepage will identify the process to submit proposals for advertised requirements.
- c. Should the District determine that adequate qualified competition exists within the local community, every effort shall be made to notify local vendors directly of the business opportunity.
- d. The notification contemplated in this provision may be accomplished through other reasonable means, as determined by the District. However, other vendors both local and non-local may obtain a copy of the solicitation as advertised on the homepage and/or electronic procurement system used by the District and may submit a bid/proposal.
- e. Local vendors to whom correspondence is sent will be identified through the District’s source list. If such source list does not, in the judgment of the Contracting Officer, provide an adequate number of qualified competitors, alternative means of identifying potential sources will be used. Vendors should not depend on receiving notification of an acquisition by the Contracting office.
- f. Except as identified herein, notice of formal acquisitions will appear on the District’s homepage and/or electronic procurement system used by the District and all vendors, local and non-local, should keep themselves apprised of opportunities through the homepage. Bids/proposals received on a timely basis and in accordance with other District procedures will be evaluated in accordance with the District’s evaluation criteria.
- g. The District may establish a method of prequalification of contractors in accordance with C.R.S. 24-92-107.

III. Procurements and Contracts Requiring Board Approval

Certain procurement department staff is delegated the approval and authority to obligate the District through the Superintendent of schools. The approval and authority allows for the named individual(s) to obligate the District in providing needed equipment, supplies, and services for the day to day operations so long as it is within the scope specified in the Board approved operating budget. The following types of transactions/ agreements shall be approved by the Board prior to execution of the obligating document:

- a. all charter school contracts as a result of a new application or a renewal approved by the Board resolution; any modifications to the contract that change the material substance of the application; this includes but is not limited to the charter schools’

mission, program niche, grade configuration, and when moving to or from a District owned facility; all land acquisitions and sales;

- b. all agreements to purchase an asset (land, building and equipment) costing more than \$100,000 unless specifically approved in the current operating budget approved by the Board;
- c. all agreements for long-term leases including District owned facilities in excess of one year;
- d. all agreements to sell or dispose of a District asset with a current fair market value of more than \$50,000;
- e. all service agreements, resulting in the privatization of a job function currently covered by a District staffing allocation and which reduces such allocation; this does not apply to temporary (less than 12 months) replacement of staff due to vacancies, leaves or budgetary constraints;
- f. all agreements valued in excess of \$5,000 per year between the District and one or more of the following:
 - 1) A member of the District's Board;
 - 2) A member of the Board member's immediate household, or the Board member's spouse, parent or child (as defined by Administrative Regulation GBGF-R); or
 - 3) An entity in which a Board member or a member of his or her immediate household or the Board member's spouse, parent or child has a personal or private interest.
- g. all agreements to provide services that fall into the following categories:
 - 1) The Board's primary legal service contract.
 - 2) Auditors - financial or performance with annual fees over \$50,000.
 - 3) Investment advisors, financial advisor, and underwriter services exceeding \$50,000 in any one fiscal year.
 - 4) Architects and general construction contractors for new construction, building additions and major repair projects over \$1 million in scope per project.
 - 5) Service and commodity contracts over \$500,000.00 in scope. Exemptions: food, centralized (Procurement Department) instructional material buys, insurance policy premiums up to \$1 million annually, and contract agreements that require mandatory placement in CDE approved facility schools that are not intergovernmental agreements.
 - 6) All construction related professional services including design, engineering, and project management over \$1 million in scope per project.

- 7) Intergovernmental agreements for non-construction purposes over \$250,000 (unless otherwise mandated by a government agency). Examples: Department of Human Services mandated placement services, including Pikes Peak Board of Cooperative Educational Services; or legislatively directed higher education programs which include but are not limited to Early Colleges, Concurrent Enrollment, Extended Studies, and Career Pathways.
- 8) Installment purchase, shared savings or performance contracts pursuant to the provisions of C.R.S. §22-32-110(hh), C.R.S. §29-12.5-102, and C.R.S. §29-12.5-103 with a per project cost over \$250,000.
- 9) Legislative/lobbying consulting services.

The Board will be notified of any professional services acquisitions, requiring Board approval, that are acquired through other than competition at the point of acquisition strategy development, but in no case less than two months prior to the performance need date.

IV. Emergency Procurements

The Board recognizes that from time to time there may be a need for an emergency procurement to assure the continued operation of the district to provide safe and secure environment for students, staff and the public; therefore,

Pursuant to the general powers of the Superintendent, including the power to address emergency circumstances, the Superintendent may waive the required prior approval of the Board with respect to an action described above if all of the following apply:

- a. in the reasonable judgment of the Superintendent the best interests of the District will be substantially adversely affected by delaying the action until the next regularly scheduled Board meeting,
- b. in the reasonable judgment of the Superintendent, it is impractical or unwarranted to call an expedited special meeting of the Board to consider approval of the action (e.g., if a quorum of the Board will not be available in time; or if a special meeting would be an unwarranted intrusion on periods constituting extended holidays from Board business,) and
- c. the Superintendent takes reasonable steps under the circumstances to promptly notify Board members of the waiver or proposed waiver of the approval policy.

V. Purchases against Federal Grant Awards

Procurements made with federal funds will comply with 2 CFR 200-317-326 as applicable. These procurements will incorporate the following clauses, as required by appendix II to Part 200 of the Uniform Guidance: Clean Air Act (42 U.S.C. 7401 -7671q); Byrd Anti Lobbying Amendment (31 U.S.C. 1352); (Procurement of recovered materials (also see §200.322 of the Uniform Guidance).”

Adopted: September, 1972
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Revised: March 14, 2012
Revised: January 9, 2013
Revised: October 12, 2016
Revised: October 28, 2020
Revised: June 8, 2022

LEGAL REFS.: 2 CFR 200-317-326
Byrd Anti Lobbying Amendment (31 U.S.C. 1352)
Clean Air Act (42 U.S.C. 7401 -7671q)
C.R.S. § 22-32-109(1)(b)
C.R.S. § 22-32-110(hh)
C.R.S. § 24-18-101, et seq.
C.R.S. § 24-91-101, et seq.
C.R.S. § 24-92-107
C.R.S. § 24-102-202
C.R.S. § 24-103-202.5
C.R.S. § 24-103-205
C.R.S. § 24-103-206
C.R.S. § 24-109-404
C.R.S. § 29-12.5-101, et. seq.
C.R.S. § 38-26-101, et seq.

CROSS REFS.: BCB, Board of Education Member Conflict of Interest
DFG, Revenues Generated from School or District Activities and Fundraisers
KCD, Public Gifts/Donation to Schools
The District Acquisition Regulations (DAR)