

Liberty Charter School

FINANCIAL MANAGEMENT

7400

Miscellaneous Procurement Standards

Procurement Generally

When making purchases with federal funds, the Charter School will follow its procurement policies and procedures which reflect applicable State and local laws and regulations, provided that the procurement practice also conforms to applicable Federal law and the standards identified in applicable federal regulations. See Policy 7420.

Authorization and Control

It is the policy of this Charter School to conduct its purchasing program in a manner to ensure optimum use of School funds. The Board, or its designee, reserves the right to determine what is in the best interest of the School.

Micro-Purchase Procedures

Notwithstanding the process for Administrator-approved purchases outlined in Policy 7405P, when using federal funds, the Administrator or designee may purchase supplies or services using simplified acquisition procedures when making aggregate purchases of \$3,000 or less, and when making such purchases shall otherwise comply with all applicable Charter School purchase order procedures.

Simplified Acquisition Procedures

When procuring goods or services, whether with federal or state funds, the Charter School shall comply with all requirements and procedures set forth at School Policies 7410, 7408, and 7420 and applicable Idaho law. For purchases less than the federal Simplified Acquisition Threshold (currently \$150,000), the Board may adopt small purchase procedures which do not otherwise conflict with School Policy 7420 or applicable Idaho law. Absent such Policy, all purchases for amounts less than the simplified Acquisition Threshold, shall comply with the requirements and procedures set forth at School Policy 7420 and applicable Idaho law.

Cooperative Purchasing

The Charter School may cooperatively enter into contracts with one or more districts to purchase materials necessary or desirable for the conduct of the business of the School provided that the purchasing cooperative follows State purchasing and federal procurement requirements.

Personnel Conflicts of Interest

I.C. § 33-316	Cooperative Contracts to Employ Specialized Personnel and/or Purchase Materials
I.C. § 74-401 et seq.	Ethics in Government
2 C.F.R. § 200.67	Micropurchase
2 C.F.R. § 200.88	Simplified Acquisition Threshold
2 C.F.R. § 200.317	Procurement by States
2 C.F.R. § 200.318	General Procurement Standards
2 C.F.R. § 200.320	Methods of Procurement to be Followed

Policy History:

Adopted on: 2018.11.08

Revised on: 2019.11.13

Reviewed on:

FINANCIAL MANAGEMENT

7400P

Procurement for Child Nutrition Programs Under Federal Grants

The Food Service Manager shall be responsible for retaining information related to the procurement for child nutrition programs under federal grants, including clear and accurate descriptions of the goods or services being procured, the actions taken to procure the goods or services, and any other necessary information to show that the correct bidder was selected. This shall include email correspondence or a short memo describing:

1. What specifications were provided to the vendor, including clear and accurate descriptions of technical requirements;
2. What kind of requirements, if any, were placed on firms to qualify, such as experience or bonding or a requirement that agricultural and food products must be produced and processed in the United States;
3. The quotes received (company, date, price, and other pertinent details); and
4. Whom the procurement was awarded to.

For these purchases, the District shall comply with the purchasing requirements provided by State law, unless local or federal law imposes more restrictive thresholds than State law. For purchases of up to \$3,500, no bidding or quotes shall be required and that purchases shall be spread equitably among qualifying vendors. For purchases from over \$3,500 to \$24,999, the District shall obtain quotes from three sources if possible, and in any case no less than two sources. For purchases of \$25,000 to \$49,000 and purchases of \$50,000 and up, the District shall comply with the requirements stated in Policy 7407. The District shall perform a cost or price analysis prior to making any procurement of \$50,000 or more. This shall include making independent estimates before receiving bids or proposals.

The District shall not acquire unnecessary or duplicative items.

Small, Minority, and Women's Business Enterprises

The District shall take the affirmative steps required by 2 CFR 200.321 to assure that small, minority, and women's businesses enterprises and labor surplus firms are used when possible. These steps include:

1. Placing qualified small and minority businesses and women's business enterprises on solicitation lists;
2. Assuring that small and minority businesses and women's business enterprises are solicited whenever they are potential sources;
3. Dividing total requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation by small and minority businesses, and women's business enterprises;

4. Establishing delivery schedules, where the requirement permits, which encourage participation by small and minority businesses, and women's business enterprises;
5. Using the services and assistance, as appropriate, of such organizations as the Small Business Administration and the Minority Business Development Agency or Department of Commerce; and
6. Requiring the prime contractor, if subcontracts are permitted, to take the affirmative steps listed above.

Legal Reference:	2 C.F.R. § 200.318(d)	General Procurement Standards
	2 C.F.R. § 200.321	Contracting with Small and Minority Businesses, Women's Business Enterprises, and Labor Surplus Area Firms
	2 C.F.R. § 200.323(a)	Contract Cost and Price
	7 C.F.R. § 210.19(e)	Additional Responsibilities
	I.C. § 67-2806	Procuring Services or Personal Property

Procedure History:

Promulgated on: 2016.09.15

Revised on: 2017.12.14

Liberty Charter School

FINANCIAL MANAGEMENT

7400P1

Procurement Under a Federal Award

In addition to its other policies and procedures regarding procurement, the Charter School shall adhere to the following requirements when making procurements under a federal award. The School shall:

1. Ensure that all solicitations incorporate a clear and accurate description of the technical requirements for the material, product, or service to be produced, and set forth those minimum essential characteristics and standards to which the material, product, or service must conform. The Charter School will identify all requirements which bidders must fulfill and all other factors to be used in evaluating bids or proposals.
2. Prohibit the use of statutorily or administratively imposed state, local, or tribal geographical preferences in the evaluation of bids or proposals, except in cases where applicable federal statutes expressly mandate or encourage geographic preference. When contracting for architectural and engineering services, geographic location may be a selection criterion provided its application leaves an appropriate number of qualified firms, given the nature and size of the project, to compete for the contract
3. Provide a written method for conducting technical evaluations of the proposals received and for selecting recipients, including factors considered for the evaluation, who performs the evaluation, the number of evaluations performed, the timeframe for conducting any evaluations, and the selection of a vendor and whether another position reviews the evaluation.
4. Maintain oversight to ensure that contractors perform in accordance with the terms, conditions, and specifications of their contracts or purchase orders.
5. Avoid acquiring unnecessary or duplicative items;
6. Consider consolidating or breaking out procurements to obtain a more economical purchase. Where appropriate, an analysis will be made of lease versus purchase alternatives and any other appropriate analysis to determine the most economical approach.
7. Maintain a list of prequalified persons, firms, or products which are used in acquiring goods and services, and include enough qualified sources to ensure maximum open and free competition.
8. Award contracts only to responsible contractors possessing the ability to perform successfully under the terms and conditions of the proposed procurement. Consideration

will be given to such matters as contractor integrity, compliance with public policy, record of past performance, and financial and technical resources.

9. Maintain records sufficient to detail the history of procurement. These records will include:
 - A. Rationale for the method of procurement;
 - B. Selection of contract type;
 - C. Contractor selection or rejection; and
 - D. The basis for the contract price.
10. The use of a time and materials type contract is prohibited unless the Charter School determines that no other contract is suitable. Time and materials type contract means a contract whose cost to a school is the sum of:
 - A. The actual cost of materials; and
 - B. The direct labor hours charged at hourly rates that reflect wages, general and administrative expenses, and profit.

Since this formula generates an open-ended contract price, a time-and-materials contract provides no positive profit incentive to the contractor for cost control or labor efficiency. When this type of the contract is used, it will include a ceiling price that the contractor exceeds at his or her own risk. The Charter School will assert a high degree of oversight over such contracts in order to obtain reasonable assurance that the contractor is using efficient methods and effective cost controls.

11. The Charter School will adhere to any additional procurement rules as applicable to specific federal programs, such as federal child nutrition programs.

Legal Reference: 2 C.F.R. §§ 200.300 *et seq.* Subpart D – Post Federal Award Requirements.

Procedure History:

Promulgated on: 2018.11.08

Revised on: 2019.06.13

Reviewed on:

Liberty Charter School

FINANCIAL MANAGEMENT

7400P2

Procurement Methods Under a Federal Award

This procedure shall apply to purchases with federal funds not solicited through a sealed bid process.

Competitive Proposals

The technique of competitive proposals is normally conducted when more than one source submits an offer, and either a fixed price or cost-reimbursement type contract is to be awarded. It is generally used when conditions are not appropriate for the use of sealed bids. If this method is used, the following requirements apply:

1. Requests for proposals must be publicized and identify all evaluation factors and their relative importance. Any response to publicized requests for proposals must be considered to the maximum extent practical;
2. Proposals must be solicited from an adequate number of qualified sources; and
3. Contracts must be awarded to the responsible firm whose proposal is most advantageous to the program, with price and other factors considered.

The School may use competitive proposal procedures for qualifications-based procurement of architectural/engineering (A/E) professional services whereby competitors' qualifications are evaluated and the most qualified competitor is selected, subject to negotiation of fair and reasonable compensation. This method, where price is not used as a selection factor, can only be used in procurement of A/E professional services. It cannot be used to purchase other types of services though A/E firms are a potential source to perform the proposed effort.

Contract/Price Analysis

The School performs a cost or price analysis in connection with every procurement action, (including contract modifications), in excess of the School's simplified procurement threshold or in excess of \$50,000, whichever amount is lower. A cost analysis generally means evaluating the separate cost elements that make up the total price, while a price analysis means evaluating the total price, without looking at the individual cost elements.

The method and degree of analysis is dependent on the facts surrounding the particular procurement situation; however, the Administrator must come to an independent estimate prior to receiving bids or proposals. 2 C.F.R. § 200.323(a).

When performing a cost analysis, the Administrator negotiates profit as a separate element of the price. To establish a fair and reasonable profit, consideration is given to the complexity of the

work to be performed, the risk borne by the contractor, the contractor's investment, the amount of subcontracting, the quality of its record of past performance, and industry profit rates in the surrounding geographical area for similar work.

Documentation of all such cost and price analyses shall be kept for three years beyond the current year for review.

Noncompetitive Proposals (Sole Sourcing)

Procurement by noncompetitive proposals is procurement through solicitation of a proposal from only one source and may be used only when one or more of the following circumstances apply:

1. The item is available only from a single source;
2. The public exigency or emergency for the requirement will not permit a delay resulting from competitive solicitation;
3. The federal awarding agency or pass-through entity expressly authorizes noncompetitive proposals in response to a written request from the School; or
4. After solicitation of a number of sources, competition is determined inadequate.

A cost or price analysis will be performed for noncompetitive proposals when the price exceeds 50,000.

Full and Open Competition

All procurement transactions must be conducted in a manner providing full and open competition consistent with 2 C.F.R §200.319. In order to ensure objective contractor performance and eliminate unfair competitive advantage, contractors that develop or draft specifications, requirements, statements of work, or invitations for bids or requests for proposals must be excluded from competing for such procurements. Some of the situations considered to be restrictive of competition include but are not limited to:

1. Placing unreasonable requirements on firms in order for them to qualify to do business;
2. Requiring unnecessary experience and excessive bonding;
3. Noncompetitive pricing practices between firms or between affiliated companies;
4. Noncompetitive contracts to consultants who are on retainer contracts;
5. Organizational conflicts of interest;
6. Specifying only a "brand name" product instead of allowing "an equal" product to be offered and describing the performance or other relevant requirements of the procurement; and
7. Any arbitrary action in the procurement process.

Legal Reference: 2 C.F.R.§§ 200.317 - .319; .323 Procurement by States

Procedure History

Promulgated on: 2018.11.08

Revised on: 2020.04.16

Reviewed on:

Liberty Charter School

FINANCIAL MANAGEMENT

7400P3

Requirements and Restrictions for Procurement Under a Federal Award - Competition

The following shall be required in the case of procurement under a federal grant to ensure adequate competition.

Geographical Preferences Prohibited

The School shall conduct procurements in a manner that prohibits the use of statutorily or administratively imposed state, local, or tribal geographical preferences in the evaluation of bids or proposals, except in those cases where applicable federal statutes expressly mandate or encourage geographic preference. When contracting for architectural and engineering services, geographic location may be a selection criterion provided its application leaves an appropriate number of qualified firms, given the nature and size of the project, to compete for the contract.

Buy American and School Meals

When making purchases for the School's lunch program, the School shall, to the maximum extent practicable, purchase domestic commodities or products.

For the purposes of this procedure, "domestic commodity or product" shall mean:

1. An agricultural commodity that is produced in the United States; and
2. A food product that is processed in the United States substantially using agricultural commodities that are produced in the United States.

Additionally, the School shall require school meal program suppliers to attest that their final food products are either 100% domestic commodities or a food product containing over 51% domestic food components, by weight or volume.

Exceptions to this Buy American requirement may be made when the School determines that:

1. The food or food product is not produced or manufactured in the United States in sufficient or reasonably available quantities of a satisfactory quality; or
2. Competitive bids reveal the cost of a United States food or food product is significantly higher than the non-domestic product.

When such an exception is made, the Superintendent or his or her designee shall document such exceptions.

Prequalified Lists

The School shall ensure that all prequalified lists of persons, firms, or products which are used in acquiring goods and services are current and include enough qualified sources to ensure maximum open and free competition. Also, the School shall not preclude potential bidders from qualifying during the solicitation period.

Solicitation Language

The School shall ensure that all solicitations incorporate a clear and accurate description of the technical requirements for the material, product, or service to be procured. Such description shall not, in competitive procurements, contain features which unduly restrict competition. The description may include a statement of the qualitative nature of the material, product, or service to be procured and, when necessary, shall set forth those minimum essential characteristics and standards to which it must conform if it is to satisfy its intended use. Detailed product specifications should be avoided if at all possible.

When it is impractical or uneconomical to make a clear and accurate description of the technical requirements, a "brand name or equivalent" description may be used as a means to define the performance or other salient requirements of procurement. The specific features of the named brand which must be met by offers shall be clearly stated; and identify all requirements which the offers must fulfill and all other factors to be used in evaluating bids or proposals.

Contracting with Small and Minority Businesses and Women's Business Enterprises

When soliciting goods and services on projects that will use federal funds, the School shall comply with the following requirements for the purpose of ensuring small business, minority-owned businesses and women's business enterprises are to be used whenever possible:

1. Place qualified small and minority businesses and women's business enterprises on its solicitation lists;
2. Assure that small and minority businesses, and women's business enterprises are solicited and notified whenever they are potential sources of the needed goods or services;
3. Divide the total requirements of a project, when economically feasible, into smaller tasks or quantities to permit maximum participation by small and minority businesses, and women's business enterprises;
4. Establish reasonable delivery schedules, where the project requirement permits, which encourage participation by small and minority businesses, and women's business enterprises;

FINANCIAL MANAGEMENT

7403

Procurement of Goods and Services for School Meal Programs

When making purchases related to the Charter School federally funded school breakfast and lunch programs, the School shall adhere to the following requirements in addition to any more restrictive requirements imposed by other applicable policies.

Micro Purchases (\$10,000 or Less)

The Charter School shall, to the extent practicable, distribute micro purchases equitably among qualified suppliers. Micro purchases may be awarded without soliciting competitive quotes if the School considers the price to be reasonable. The School shall maintain evidence of this reasonableness with the records of any such purchase.

Small Purchase Procedures (\$10,000 to \$49,999)

Before making a small purchase, the Charter School shall obtain quotes from vendors. When possible, three quotes should be obtained, and in all cases at least two quotes will be obtained. These quotes may be provided verbally and shall be documented by the School.

Semi-Formal Bidding (\$50,000 - \$99,999)

The Charter School shall issue a written request for bids for any purchase subject to semi-formal bidding requirements. This request describing the goods or services desired shall be provided to at least three vendors. Unless there is an emergency, the School shall grant the vendors three days to provide a written response. In all cases, the vendors shall have one day to submit any objections.

Formal Bidding (\$100,000 or More)

At least two weeks before the bid opening, the Charter School shall publish notice of the request for bids. The School shall make bid specifications available upon request and will accept written objections. The School may, at its discretion, request a security or bond from vendors submitting bids.

All bids shall be publicly opened at the time and place prescribed in the invitation for bids.

The purchase shall be made pursuant to an open competitive sealed bid process. The procurement to be made from the qualified bidder submitting the lowest bid price complying with bidding procedures and meeting the specifications for the goods and/or services sought to be procured.

The contract shall be a firm fixed price contract and may specify a lump sum or a per unit price. The Charter School may reject any bid if there is a sound and documented reason to do so.

Legal References: 2 CFR § 200.319
2 CFR § 200.320(a) and (b)
2 CFR § 200.67
I.C. § 67-2806

Competition
Methods of Procurement to be Followed
Micro-purchase
Procuring Services or Personal Property

Policy History:

Adopted on: 2021.08.12

Revised on:

Reviewed on:

Liberty Charter School

FINANCIAL MANAGEMENT

7405

Public Works Contracting and Procurement

No contract involving a public works project shall be let to any contractor who is not licensed as required by the laws of this State. Further, the Charter School shall at all times adhere to the bidding requirements for public works contracting and procurement as set out in State law.

Public Works Contractor Licensure Requirements

\$0 to \$50,000	No licensure requirement	IC 54-1903(9)
\$50,000 and above	Licensure required	IC 54-1903(9)

Exemptions from Public Works Contractor Licensure

Less than \$50,000 for construction, alteration, improvement, or repair.	Single project with any number of trades	IC 54-1903(9)
Any construction, alteration, or repair due to an emergency.	Pursuant to the provision of Chapter 10, Title 46 Idaho Code	IC 54-1903(11)

Public Works Construction Bidding

\$0 to \$50,000	No bidding requirements	IC 67-2803(2)
\$50,000 to \$200,000	Semi-formal bidding: Issue written requests for bids describing the work to at least 3 licensed contractors. Allow 3 days for written response; objections 1 day prior to bid. Keep records for 6 months. <u>Accept low bid, or reject all bids.</u>	IC 67-2805(1)
\$200,000 and above	Formal bidding 2 Options A & B: Category A – Open to all licensed contractors. Publication requirements. Written objections allowed. May request bid security/bond. <u>Accept low bid, or reject all bids.</u> See code for details. (IC 67-2805(2)(a).) Category B – Open to pre-qualified contractors. After pre-qualification is determined, the bidding process is in the same manner as Category A. (IC 67-2805(2)(b).)	IC 67-2805(2)

Legal Reference: I.C. § 33-601

I.C. § 54-1903

Real and Personal Property – Acquisition, Use or Disposal of Same
Unlawful to Engage in Public Works Contracting Without License – Exemptions

Liberty Charter School

FINANCIAL MANAGEMENT

7405P

Procuring Public Works, Services, and Personal Property

Charter School Procurement Policy

Efficient and cost-effective procurement of goods, services, and public works construction is an important aspect of Charter School operations. The School shall endeavor to buy goods, services, and public works construction through a publicly accountable process that respects the shared goals of economy and quality. The Charter School shall, to the extent reasonably available, endeavor to purchase goods and services from vendors with a significant Idaho economic presence.

Authorization and Control - Generally

It is the policy of this Charter School to conduct its purchasing program in a manner to ensure optimum use of School funds. The Board, or its designee, reserves the right to determine what is in the best interest of the Charter School.

The Administrator or designee is authorized to direct expenditures and purchases within the limits of the detailed annual budget for the school year and pursuant to State purchasing and federal procurement requirements. Board approval for purchase of capital outlay items is required when the aggregate total of a requisition exceeds \$25,000.00, except the Administrator shall have the authority to make capital outlay purchases without advance approval when it is necessary to protect the interests of the Charter School or the health and safety of the staff or students. The Administrator shall establish requisition and purchase order procedures as a means of controlling and maintaining proper accounting of the expenditure of funds that align with State and federal procurement requirements. Staff members shall not obligate the Charter School without express authority of the Board or authorized designee. Staff members who obligate the School without proper authorization may be held personally responsible for payment of such obligations, and may also be subject to discipline, up to and including termination.

All other procurement and purchases shall be made in accordance with the State and federal laws and administrative rules and with Charter School policies and procedures.

Procuring Public Works Construction

Public Works Procurement, Projects Between \$50,000 and \$200,000: When the Board contemplates procurement of public works construction valued at or in excess of \$50,000, but in an amount less than \$200,000, the following procedures shall be followed.

1. The Board or its designee shall prepare a solicitation for bids for the contemplated public works construction, and shall deliver it in writing to no fewer than three owner-

licensed public works contractors; or Category B, bidding open only to licensed public works contractors who satisfy minimum requirements set by the Board or its designee.

Category A: Competitive bidding procedures shall be open to any licensed public works contractor desiring to bid upon a public works project. For all Category A bids, the Board may consider only the amount bid, the bidder's compliance with administrative requirements of the bidding process, and whether the bidder holds the requisite license. When considering bids meeting these requirements, the Board shall award the bid to the qualified bidder submitting the lowest responsive bid.

1. The Charter School's request for bids for a Category A procurement shall set a date and place for the public opening of bids. The Charter School shall publish two notices soliciting bids in the Charter School's official newspaper. The first notice shall be published at least two weeks before the date for opening bids, with the second notice to be published in the succeeding week at least seven days before the date that bids are scheduled to be opened. The notice shall succinctly describe the project to be constructed. Copies of specifications, bid forms, bidder's instructions, contract documents, and general and special instructions shall be created by the Board or its designee and shall be made available upon request by any interested bidder which also submits payment of a reasonable plan copy fee.
2. The solicitation shall explain that in the event a bidder has an objection to project specifications or bidding procedures, it must submit a written objection in writing which must be received by the Board or its designee at least three business days before the date and time the bids are scheduled to be opened. The Board or its designee shall respond to all objections in writing and shall provide written copies of the objection and the response to the objecting bidder, and deliver copies to all other bidders known to the Charter School at that time. The Board or its designee may adjust the bidding timeframes if necessary.
3. All bids shall be delivered under sealed cover to the clerk of the Board or other designee identified in the bid solicitation documents provided to bidders by the Charter School. On the cover of the sealed bid, the bidder must include a concise statement generally identifying the project for which the bid is submitted.
4. In the event the Board deems it to be in the best interest of the Charter School to require bidders to provide bid security, it may do so in an amount equal to at least five percent of the amount bid. If the Board requires bid security, no bid may be considered unless it includes adequate bid security in one of the following forms designated by the Board:
 - A. Cash;
 - B. A cashier's check made payable to the Charter School;
 - C. A certified check made payable to the Charter School; or
 - D. A bidder's bond executed by a qualified surety company, made payable to the Charter School.

11. If two or more identical bids are received, the Board may select the bidder it prefers.
12. If no bids are received, the Board may complete the project by selecting a licensed public works contractor without further competitive bidding procedures.

Category B: When following this procedure, competitive bids may only be submitted by licensed public works contractors which have satisfied the Board's preliminary supplemental qualifications. The solicitation for bids in Category B procurement consists of two stages:

1. An initial stage determining supplemental pre-qualifications for licensed contractors, either prime or specialty contractors; followed by
2. A second stage during which bids are accepted only from prequalified contractors.

The Category B procedure shall be as follows:

1. Notice of the prequalification stage of the Category B competitive bidding process shall be given in the same manner that notice of competitive bidding is provided for a Category A competitive bid request, by providing a specific date and time by which qualifications statements must be received. The Board may establish prequalification standards premised upon demonstrated technical competence; experience constructing similar facilities; prior experience with the Charter School; available nonfinancial resources, equipment, and personnel as they relate to the subject project; as well as the contractor's overall performance history. Such request shall also include the standards the Board will use when evaluating the applicants' qualifications.
2. During the initial stage of the Category B bidding process, licensed contractors desiring to be prequalified to bid on a project must submit a written response to the Board's request for qualifications.
3. The solicitation shall explain that in the event a bidder has an objection to the prequalification procedures, it must submit a written objection which must be received by the Board or its designee at least three business days before the date and time prequalification statements are due. The Board or its designee shall respond to all objections in writing and shall provide the written response to the objecting contractor, and deliver copies to all other contractors seeking to prequalify that are known to the Charter School at that time. The Board or its designee may adjust the bidding timeframes if necessary.
4. After a review of qualification submittals, the Charter School may select licensed contractors that meet the prequalification standards. If any licensed contractor submits a statement of qualifications but is not selected as a qualified bidder, the Board or its designee shall supply a written statement of the reason or reasons why the contractor failed to meet the Board's prequalification standards.

the solicitation, provided that, except in the event of an emergency, such time shall not be less than three business days.

3. The solicitation shall explain that a vendor's objections to specifications or bid procedures must be in writing and received by the Board or its designee at least one business day before the date and time upon which bids are scheduled to be received.
4. All timely written bids received by the Charter School, whether submitted electronically or by physical delivery, shall be compiled and submitted to the Board or its designee who shall approve the responsive bid proposing the lowest procurement price, or shall reject all bids and publish notice for bids, as before.
5. In the event the Board determines that it is impractical or impossible to obtain three bids for the proposed procurement, the Board may acquire the property or services in the manner the Board deems to be in the Charter School's best interest from a qualified vendor quoting the lowest price. When fewer than three bids are considered, a description of the Board's efforts to procure at least three bids shall be documented in the Board's official records and such documentation shall be maintained for at least six months following the date of the procurement. In the event two or more bids are the same and are the lowest responsive bids, the Board or its designee may exercise its discretion and select the bid it deems to be in the Charter School's best interest.

Procuring Services or Personal Property, Purchases greater than \$100,000

When the Board contemplates a purchase or lease of personal property or the hiring of services, other than personal property or services excluded pursuant to Idaho Code § 67-2803, valued in excess of \$100,000, the following procurement procedures shall apply.

1. The purchase or lease shall be made pursuant to an open competitive sealed bid process with the procurement to be made from the qualified bidder submitting the lowest bid price that complies with bidding procedures and meets the specifications for the goods and/or services sought to be procured.
2. The request for bids shall set a date, time, and place for the opening of bids. Two notices soliciting bids shall be published in the official newspaper of the Charter School. The first notice shall be published at least two weeks before the date for opening bids, with the second notice to be published in the succeeding week at least seven days before the date that bids are scheduled to be opened. The notice shall succinctly describe the personal property and/or services to be procured. Copies of specifications, bid forms, bidder's instructions, contract documents, as well as general and special instructions shall be made available upon request by any interested bidder.
3. The notice shall explain that written objections to specifications or bidding procedures must be received by the Board or its designee at least three business days before the date and time upon which bids are scheduled to be opened.

days of the date of transmittal of the notice, object in writing to the award and specifically identify the reason or reasons that the Board's award is in error. Thereafter, the Board shall stay performance of the award until after the Board reviews and addresses the bidder's objections. The Board shall then review its decision and determine whether to affirm its prior award, modify the award, or choose to re-bid and will identify its reason or reasons therefor. The Board shall not delegate this responsibility. After completion of the review process, the Board may proceed as it deems to be in the public's best interest.

11. If two or more bids are the same and the lowest responsive bids, the Board or its designee may accept the one it deems to be in the public's best interest.
12. In its discretion, when the Board purchases goods, it may forgo the above request for bids procedure and may preauthorize the purchase of goods (but not services) at a public auction.

Requests for Proposals: The Board may utilize a request for proposal process as set forth below as an alternative to the competitive bidding process required by the Procuring Services or Personal Property policy subsection set forth above, when the Board contemplates a procurement of goods or services for which the Board determines one or more of the following is true:

1. The submission of fixed specifications by the Board may prevent the discovery of a more cost-effective solution;
2. The specific need to be satisfied by the procurement is amenable to more than one solution; or
3. Factors other than price will determine the best option for the Charter School to satisfy or solve the Charter School's specific need.

Factors to be Considered: When the Board utilizes the request for proposal process, it may consider the following factors when evaluating the vendor's responses to the request:

1. An innovative solution that is offered;
2. Unique product features;
3. Price;
4. Vendor experience in the market;
5. Financial stability of a vendor;
6. Differences among vendors in their ability to perform contract requirements in a timely or efficient manner;
7. Ability to meet product specifications;
8. Product quality;
9. Product performance records;
10. Past performance by a vendor;
11. Future product maintenance or service requirements; and
12. Product warranties.

Requirements of a Request for Proposals

Liberty Charter School

FINANCIAL MANAGEMENT

7407

Public Procurement of Goods and Services

The Charter School shall at all times adhere to the bidding requirements for the procurement of goods and services as set out in State law.

\$0 to \$2550,000	No bidding requirements	IC 67-2803(2)
\$2550,000 to \$50100,000	Semi-formal bidding: Issue written requests for bids describing goods or services desired to at least three vendors. Allow three days for written response, unless an emergency exists; One day for objections. Keep records for six months. <u>Accept low bid, or reject all bids.</u>	IC 67-2806(1)
\$50100,000 and above	Formal bidding: Publish bid notice at least two weeks in advance of bid opening. Make bid specifications available; written objections allowed. May request bid security/bond. Can reject all if able to purchase more economically in the open market.	IC 67-2806(2)

Exemptions to Public Procurement of Goods and Services Bidding

Personal Property	Already competitive bid (piggy-backing)	IC 67-2803(1)
Less than \$2550,000	Contracts or purchases of goods or services	IC 67-2803(2)
Any Amount	Payments of Wages	IC 67-2803(3)
Any Amount	Personal or professional services performed by an independent contractor. (Refer to info on qualifications in I.C. 67-2320)	IC 67-2803(4)
Any Amount	Procurement of an interest in real property – lease or purchase	IC 67-2803(5)
Any Amount	Procurement of insurance	IC 67-2803(6)
Any Amount	Costs of Joint Powers participation	IC 67-2803(7)
Any Amount	Procurement of used personal property	IC 67-2803(8)
Any Amount	Procurement from federal government general services administration (GSA) schedules or federal multiple award schedules (MAS)	IC 67-2803(9)
Any Amount	Procurement of personal property or services through contracts entered into by the division of purchasing of the department of administration of the state of Idaho	IC 67-2803(10)
Any Amount	Procurement of goods for direct resale	IC 67-2803(11)
Any Amount	Procurement of travel and training;	IC 67-2803(12)

Any Amount	Procurement of goods and services from Idaho correctional industries	IC 67-2803(13)
Any Amount	Procurement of repair for heavy equipment	IC 67-2803(14)
Any Amount	Procurement of software maintenance, support and licenses of an existing system or platform that was bid in compliance with state law	IC 67-2803(15)
Any Amount	Procurement of public utilities	IC 67-2803(16)
Any Amount	Procurement of food for use in jails or detention facilities	IC 67-2803(17)
Any Amount	Procurement of used equipment at an auction if authorized by the governing board	IC 67-2803(18)
Any Amount	Emergency Expenditures	IC 67-2808(1)

Legal Reference: I.C. § 67-2801 et seq. Purchasing by Political Subdivisions

Policy History:

Adopted on: 2016.09.15

Revised on: 2017.11.09

FINANCIAL MANAGEMENT

7408

Entering into Professional Service Contracts with Design Professionals, Construction Managers, and Professional Land Surveyors — The Request for Qualifications Policy

Selection of Public Works Professionals to be Based on Qualifications

Notwithstanding any other provision of law to the contrary, it shall be the policy of this state that all public agencies and political subdivisions of the State of Idaho and their agents shall make selections for professional engineering, architectural, landscape architecture, construction management, and professional land surveying services, by persons and firms licensed pursuant to Idaho law to perform such professional services, on the basis of qualifications and demonstrated competence, and shall negotiate contracts or agreements with licensed professional(s) selected to provide the requested professional service(s).

No proposal, bid, or qualifications shall be accepted or denied based on environmental, social, and governance (ESG) standards, including screening or scoring bids, in whole or in part, on subjective ethical or sustainability criteria unrelated to the specifications in a solicitation or qualifications of a bidder.

Procedures to Select Public Works Professionals for Contracts Greater than \$50,000

In carrying out this policy the Board shall use the following guidelines when securing contracts for engineering, architectural, landscape architecture, construction management, and land surveying services on projects for which the professional service fee is anticipated to exceed the total sum of \$50,000, excluding, however, those professional services contracts previously awarded by the School for an associated or phased project, and for which the expenditure is otherwise exempt from the bidding process otherwise required by law. To implement this policy:

1. The Board or its designee will provide a general description of the services being solicited and encourage persons or firms engaged in the services being solicited to submit statements of qualifications and past performance data.
2. The Board or its designee will establish and make available to the public a request for qualifications that includes the criteria and the procedures to be used for measurable scoring, ranking, and selection of qualified persons or firms to perform such services.
3. After receiving responses to a request for qualifications, the Board or its designee shall score and rank the responding persons and firms based on their qualifications and demonstrated competence pursuant to the Board's or its designee's established criteria and procedures. The list of ranked respondents, including the scoring used to develop the ranking, shall be made available to the public. Some examples of selection criteria for consideration may include but are not limited to:

- A. A description of the firm, including its location and longevity;
 - B. Its past performance;
 - C. Its project manager and key staff experience, education, and training;
 - D. Its experience with similar projects;
 - E. Its specific approach to projects or assignments;
 - F. Its proposed schedule, if applicable; and
 - G. Its quality control procedures.
4. The Board or its designee shall select for negotiation the persons or firms whom the public agency or political subdivision determines to be the highest-ranked and best qualified.
5. The Board or its designee shall next negotiate with the highest ranked person or firm for a contract or an agreement to perform such services at a price determined by the Board to be reasonable and fair to the public after considering the estimated value, the scope, the complexity, schedule, and the nature of the services required.
6. In the event the Board or its designee is unable to negotiate a satisfactory contract or agreement with the highest-ranked person or firm, it shall formally terminate negotiations and undertake negotiations with the next highest-ranked person or firm, following the procedure prescribed above.
7. In the event the Board or its designee is unable to negotiate a satisfactory contract or agreement with any of the selected persons or firms, it may recommence negotiations as described in the two items immediately above, until a contract or agreement is reached, or may, in its discretion, cancel the procurement.
8. **Published Request for Qualifications.** When the Board solicits proposals for qualifications for engineering, architectural, landscape architecture, construction management, or land surveying services for which the professional service fee is anticipated to exceed the total sum of \$50,000 it shall publish public notice in the same manner as required for procurement of public works construction projects set forth at Procedure 7405P, which sets forth the procedures required by Section 67-2805(2) of Idaho Code.
9. **A List of Qualified Professionals.** In fulfilling the requirements of the items above, the Board may establish and select from a list of two or more persons or firms selected and preapproved for consideration by the School. When creating a preapproved list of qualified professionals, the Board or its designee shall first publish notice as set forth in the item immediately above. When selecting from such list, no notice shall be required; and
10. Any list established under this item will be valid for up to five years, unless canceled by the Board prior to the list's expiration where the Board has first determined in open session that cancellation of the list would be in the public's best interest.

Procedures to Select Public Works Professionals for Contracts Less than \$50,000

When securing contracts for engineering, architectural, landscape architecture, construction management, or land surveying services on projects for which the professional service fee is anticipated to be less than the total sum of \$50,000, the Board may use the guidelines set forth in the above paragraphs, or may establish its own guidelines for selection based on demonstrated competence and qualifications to perform the type of services required, which shall then be followed by negotiation of the fee at a price determined by the Board to be fair and reasonable after considering the estimated value, scope, complexity, schedule, and nature of services required.

Approvals for Phased Projects

When the Board has previously awarded a professional services contract to a person or firm for an associated or phased project, the School may, at its discretion and in accordance with all provisions of Section 59-1026 of Idaho Code, negotiate an extended or new professional services contract with that person or firm.

Cross References:	7405P	Procuring Public Works, Services, and Personal Property
Legal References:	IC § 67-2320	Professional Service Contracts with Design Professionals, Construction Managers and Professional Land Surveyors
	IC § 67-2347	Prohibition of Environmental, Social, and Governance Standards in Public Contracts
	IC § 67-2805	Procurement of Public Works Construction
	IC § 59-1026	Willful and Knowing Avoidance of Competitive Bidding and Procurement Statutes
Other References:	Policies and Procedures Used Template, Idaho State Department of Education, http://www.sde.idaho.gov/sped/funding/	

Policy History:

Adopted on: 2019.11.13

Revised on: 2021.08.12

Revised on: 2023.07.19

Reviewed on:

Liberty Charter School

FINANCIAL MANAGEMENT

7409

Acquisition of Real and Personal Property

Procurement of Public Works, Goods, or Services

Except for the purchase of curricular materials as defined in Idaho Code § 33-117A, all contracts for the construction, repair, or improvement of any real property, or the acquisition, purchase, or repair of any equipment, or other personal property necessary for the operation of the Charter School shall be entered into in accordance with the provisions of Procedure 7405P.

Purchase of Real Property

When purchasing real property for Charter School use, the Board may designate and purchase any real property which it finds is necessary for school purposes or for the operation of the School. After making such determination and to accomplish the purchase of the designated real property, the Board will:

1. Not more than one year prior to any purchase of real property, have such property appraised by an appraiser certified in the State of Idaho. This appraisal shall be entered into the records of the Board and shall be used to establish the value of the real property
2. Determine the size of the site necessary for School purposes. The location of the site shall be consistent with the Charter, Articles and Bylaws.
3. In purchasing such real property, the Board shall purchase such property:
 - A. With cash; or
 - B. Through financing approved by the Board at an open Board meeting.

Cross References: 7405P

Procuring Public Works, Services, and Personal Property

Legal References: I.C. § 33-5204
I.C. § 33-5208
I.C. § 33-601

Nonprofit Corporation – Liability - Insurance
Public Charter School Financial Support
Real and Personal Property—Acquisition, Use,
or Disposal of Same

Policy History:

Adopted on: 2019.11.13

Revised on: 2020.11.06

Revised on: 2021.08.12

Liberty Charter School

FINANCIAL MANAGEMENT

7415

Authorizer Fee

Unless the Charter School's authorizing entity declines payment, the Charter School shall pay an authorizer fee to its authorizing entity by March 15th of each fiscal year in accordance with State law and administrative rules.

This fee shall be equal to the Charter School's proportional fee share of the moneys appropriated to the public charter school commission plus fifteen percent (15%).

The authorizer fee shall not exceed whichever of the following is greater:

1. All state funds distributed to public schools on a support unit basis for the prior fiscal year, divided by the statewide number of public school students in average daily attendance in the first reporting period in the prior fiscal year; or
2. Whichever of the following is less:
 - A. The result of the calculation described above multiplied by four (4); or
 - B. The result of the calculation described above multiplied by .015, then multiplied by the Charter School's average daily attendance in the first reporting period in the current fiscal year.

The Board of Directors may elect to divert up to ten percent (10%) of the authorizer fee to pay membership fees for an organization that provides technical assistance, training, and advocacy for Charter Schools.

Legal Reference: I.C. § 33-5208 Public Charter School Financial Support

Policy History:

Adopted on: 2016.09.15

Revised on:

Liberty Charter School

FINANCIAL MANAGEMENT

7420

Personal Reimbursements

While it is recommended that all purchases of goods or services be made within established purchasing procedures, there may be an occasional need for an employee to make a purchase for the benefit of the Charter School from personal funds. In that event, an employee will be reimbursed for a personal purchase under the following criteria:

1. It is clearly demonstrated that the purchase is of benefit to the Charter School;
2. The purchase was made with the prior approval of an authorized administrator;
3. The item purchased was not available from resources within the Charter School; and
4. The claim for personal reimbursement is properly accounted for and documented with an invoice or receipt.

The Charter School business office will be responsible for the development of the procedures and forms to be used in processing claims for personal reimbursements.

Policy History:

Adopted on: 2016.09.15

Revised on:

FINANCIAL MANAGEMENT

7430

Travel Allowances and Expenses

Every Charter School employee and Board Member will be reimbursed for travel expenses while traveling outside of the Charter School and engaged in official Charter School business. All travel expenses must be reported on the Charter School-approved travel voucher forms and, for employees, approval must be granted prior to traveling by the employee's supervisor and the Executive Director. The Charter School will adhere to the State Travel Policy, which can be found at <https://goo.gl/eDiSGc>.

The Charter School business office will be responsible for the development of procedures and forms to be used in connection with travel expense claims and reimbursements.

Travel Costs Under Federal Award

General: Travel costs are the expenses for transportation, lodging, subsistence, and related items incurred by employees who are in travel status on official business of a grant recipient. Such costs may be charged on an actual cost basis, or on a per diem or mileage basis in lieu of actual costs incurred, or on a combination of the two, provided the method used is applied to an entire trip and not selected days of the trip and results in charges consistent with those normally allowed in like circumstances in the recipient's non-federally funded activities and in accordance with the recipient's written travel reimbursement policies.

Lodging and subsistence: Costs incurred by employees and officers for travel, including costs of lodging, other subsistence, and incidental expenses, shall be considered reasonable and otherwise allowable only to the extent such costs do not exceed charges normally allowed by the Charter School in its regular operations as the result of its written travel policy. In addition, if these costs are charged directly to the federal award, the Charter School will maintain documentation justifying the following:

1. Participation of the individual is necessary to the federal award; and
2. The costs are reasonable and consistent with this policy and any related procedures.

Temporary dependent care costs above and beyond regular dependent care that directly results from travel to conferences are allowable provided that:

1. The costs are a direct result of the individual's travel for the federal award;
2. The costs are consistent with this policy and any related procedures; and
3. Are temporary, lasting only during the travel period.

Travel costs for dependents are unallowable, except for travel of duration of six months or more with prior approval of the federal awarding agency.

Federal Cash Management Policy

All responsible Charter School employees shall comply with applicable methods and procedures for payment that minimize the time elapsing between the School's receipt of federal funds and their disbursement by the School, as required by in accordance with the Cash Management Improvement Act of 1990. Generally, the School receives payment of federal funds from the State Department of Education on a reimbursement basis.

According to guidance from the U.S. Department of Education (USDE), when calculating the interest earned on USDE grant funds, regardless of the date of obligation, interest is calculated from the date that the federal funds are drawn down from the G5 system until the date on which those funds are disbursed by the Charter School.

Payment Methods

1. **Reimbursements:** The Charter School will initially charge federal grant expenditures to nonfederal funds.

The School Grant Accountant or Business Manager shall request reimbursement for actual expenditures incurred under the federal grants monthly. All reimbursements are based on actual disbursements, not on obligations. Reimbursement requests shall be submitted on a School form to the State Department of Education.

The Executive Director or his or her designee shall promulgate a procedure specifying any further requirements.

Consistent with State and federal requirements, the School shall maintain source documentation supporting the federal expenditures; such as invoices, time sheets, and payroll stubs; and will make such documentation available for the State Department of Education to review upon request.

Reimbursements of actual expenditures do not require interest calculations.

2. **Advances:** To the extent the Charter School receives advance payments of federal grant funds; the School shall strive to expend the federal funds on allowable expenditures as expeditiously as possible. Specifically, the School shall attempt to expend all drawdowns of federal funds within 72 hours of receipt.

The School shall hold federal advance payments in interest-bearing accounts, unless an allowable exception applies. The Charter School shall begin to calculate interest earned on cash balances once funds are deposited into the School's account.

Interest shall be calculated quarterly. Total federal grant cash balances shall be calculated on cash balances per grant and applying the School's average interest rate. Within 30 days of the end of the quarter, the School shall remit interest earned. The Charter School may retain up to \$500 of interest earned per year.

The Executive Director or his or her designee shall promulgate a procedure specifying the process for remitting interest.

Legal Reference:	2 CFR § 200.305	Payment
	31 CFR § 205	Rules and Procedures for Efficient Federal-State Funds Transfers
	31 U.S.C. § 6503	Intergovernmental financing (Cash Management Improvement Act of 1990)

Policy History:

Adopted on: 2011.09.15

Revised on: 2018.11.08

Revised on: 2019.06.13

Reviewed on:

Liberty Charter School

FINANCIAL MANAGEMENT

7450

Federal Cash Management Policy

The Charter School will comply with applicable methods and procedures for payment that minimize the time elapsing between the transfer of funds and disbursement by the Charter School, in accordance with the Cash Management Improvement Act. Generally, the Charter School receives payment from the State Department of Education on a reimbursement basis.

According to guidance from the U.S. Department of Education (USDE), when calculating the interest earned on USDE grant funds, regardless of the date of obligation, interest is calculated from the date that the federal funds are drawn down from the G5 system until the date on which those funds are disbursed by the Charter School.

Payment Methods

1. **Reimbursements:** The Charter School will initially charge federal grant expenditures to nonfederal funds.

The Charter School Grant Accountant or Business Manager will request reimbursement for actual expenditures incurred under the federal grants. All reimbursements are based on actual disbursements, not on obligations.

The Executive Director or his or her designee shall promulgate a procedure specifying any further requirements.

Consistent with State and federal requirements, the Charter School will maintain source documentation supporting the federal expenditures; such as invoices, time sheets, and payroll stubs; and will make such documentation available for the State Department of Education to review upon request.

Reimbursements of actual expenditures do not require interest calculations.

2. **Advances:** To the extent the Charter School receives advance payments of federal grant funds; the Charter School will strive to expend the federal funds on allowable expenditures as expeditiously as possible. Specifically, the Charter School shall attempt to expend all drawdowns of federal funds within 72 hours of receipt.

The Charter School will hold federal advance payments in interest-bearing accounts, unless an allowable exception applies. The Charter School will begin to calculate interest earned on cash balances once funds are deposited into the Charter School's account.

Liberty Charter School

FINANCIAL MANAGEMENT

7450P1

Timely Obligation of Funds

When Obligations are Made

Obligations are orders placed for property and services, contracts, and subawards made, and similar transactions during a given period that require payment by the Charter School during the same or a future period.

Funds received under a federal grant shall be considered to be obligated according to the standards provided in 34 C.F.R. § 75.707 or 34 C.F.R. § 76.707, as applicable. The following table illustrates when funds are determined to be obligated under federal regulations:

If the obligation is for:	The obligation is made:
Acquisition of property	On the date on which the Charter School makes a binding written commitment to acquire the property
Personal services by an employee of the Charter School	When the services are performed
Personal services by a contractor who is not an employee of the Charter School	On the date which the Charter School makes a binding written commitment to obtain the services
Public utility services	When the Charter School receives the services
Travel	When the travel is taken
Rental of property	When the Charter School uses the property
A pre-agreement cost that was properly approved by the Secretary under the cost principles in 2 CFR part 200, Subpart E- Cost Principles.	On the first day of the project period.

Procedure History:

Promulgated on: 2018.11.08

Revised on:

Reviewed on:

Liberty Charter School

FINANCIAL MANAGEMENT

7450P2

Federal Program Income

Definition

Program income means gross income earned by a federal grant recipient that is directly generated by a supported activity or earned as a result of the federal award during the grant's period of performance.

Program income includes, but is not limited to, income from fees for services performed, the use or rental of real or personal property acquired under federal awards, the sale of commodities or items fabricated under a federal award, license fees and royalties on patents and copyrights, and principle and interest on loans made with federal award funds. Interest earned on advances of federal funds is not program income. Except as otherwise provided in federal statutes, regulations, or the terms and conditions of the federal award, program income does not include rebates, credits, discounts, and interest earned on any of them. Proceeds from the sale of real property, equipment, or supplies are not program income.

Use of Program Income

The default method for the use of program income for the Charter School is the deduction method. Under the deduction method, program income is deducted from total allowable costs to determine the net allowable costs. Program income will only be used for current costs unless the School is otherwise directed by the federal awarding agency or pass-through entity. The Charter School may also request prior approval from the federal awarding agency to use the addition method. Under the addition method, program income may be added to the Federal award by the Federal agency and the non-Federal entity. The program income must then be used for the purposes and under the conditions of the Federal award.

While the deduction method is the default method, the School shall always refer to the GAN prior to determining the appropriate use of program income.

It is the policy of the Charter School that no program income will be generated in federal programs. If program income is generated, the Business Manager shall account for it in accordance with the School's normal accounting procedures, utilizing the special revenue accounting codes of IFARMS, and track as program income attributable to a specific federal program.

Procedure History:

Promulgated on: 2018.11.08

Revised on: 2019.06.13

Reviewed on:

Liberty Charter School

FINANCIAL MANAGEMENT

7600

Declaration of Financial Emergency

This section and related Board policies shall apply in the instance of a financial emergency. However, any subsequently enacted statute or amendment to existing statutes shall control over this policy and replace this policy as well as all other related policies, procedures, and forms.

The Board of Directors is dedicated to sound and efficient financial management. Recognizing the limitations and fluctuations in funding and the potential negative impact on the Charter School's fiscal status due to historical revenue and/or expenditure issues, the Charter School must take specific action to ensure education remains the primary goal and responsibility of the Charter School. In the event the financial situation of the Charter School necessitates such action, the Board will consider a declaration of financial emergency.

Prior to declaring a financial emergency, the Board shall hold a public meeting for the purpose of receiving input concerning possible solutions to the financial problems facing the Charter School.

Legal Reference:	I.C. § 33-402	Notice Requirements
	I.C. § 33-515	Issuance of Renewable Contracts
	I.C. § 33-522	Financial Emergency
	I.C. § 33-801	School District Budget

Policy History:

Adopted on: 2016.09.15

Revised on: