



# Administrative Regulations

South San Antonio Independent School District

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Purchasing and Acquisitions - 2023	

## Purchasing Authority

The following persons are delegated the authority to act as agents for South San Antonio ISD in carrying out the Procurement activities of the district:

- Superintendent of Schools
- Chief Financial Officer
- Director of Procurement
- Superintendent Designee

Any single, budgeted purchase of goods or services that costs \$50,000 or more, regardless of whether the goods or services are competitively purchased, shall require Board approval before a transaction may take place, unless the purchase falls into a categorical exemption.

A categorical exemption shall be defined as:

1. A cooperative or state purchasing program approved by the Board; or
2. Utility services that cannot be competitively bid.

## Exception for Emergency Contracts

In the event of a catastrophe, emergency, or natural disaster affecting the District, the Board delegates to the Superintendent the authority to contract for the replacement, construction, or repair of school equipment or facilities in accordance with law, if emergency replacement, construction, or repair is necessary for the health and safety of District students and staff. The Superintendent shall report to the Board at the next regular meeting any contract made under this authority. [See Disaster Exception, CH(LEGAL)]

The delegation regarding emergency contracts does not waive competitive purchasing requirements under Education Code Chapter 44. Only the Board is authorized to waive competitive purchasing requirements under limited circumstances in accordance with Education Code 44.031(h). [See Emergency Damage or Destruction, CH(LEGAL)]

## Conflict of Interest Disclosures



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**Board Members** - On September 1st of each calendar year, a request that each member of the Board of Trustees (Board) complete and file an affidavit disclosing whether the Board member or a person related to the Board member in the first degree by either affinity or consanguinity has a substantial interest in a business entity or in real property. Additionally, request that the Board member explain in the affidavit the nature and extent of any substantial interest in a business entity or in real property. If no substantial interest exists, request that the Board member complete an affidavit to this effect. If the Board members learn of or acquires any substantial interest in a business entity or in real property at any time, then he or she shall file an updated affidavit within seven (7) days of learning of the information.

**Superintendent and District Employees** - The Superintendent and each District employee at a director/principal level or higher shall adhere with and comply with the following procedures. On or before September 1st of each calendar year, prepare and file an affidavit disclosing the nature and extent of any substantial interest in a business entity or in real property. If a substantial interest in a business entity or in real property does not exist, an affidavit disclosing no interests must nonetheless be filed. If the Superintendent or other employee at a director/principal level or higher learns of or acquires any substantial interest in a business entity or in real property at any time, then he or she shall file an updated affidavit within seven (7) days of learning of the information.

**Vendors** -The Superintendent or designee shall adhere to and comply with the following procedures. Upon receipt of a bid or an application from a prospective vendor, ensure that the prospective vendor filed a conflict of interest questionnaire. If the questionnaire was not filed, request that the prospective vendor file the questionnaire. If the prospective vendor contacts the District to assert that no reportable relationship or gift exists, request that the prospective vendor nonetheless file the questionnaire. On or before September 1st of each calendar year, publish on the District website a schedule listing all vendors that filed a questionnaire and the date the questionnaire was filed. The schedule should also identify any reported relationships and gifts.

At least quarterly after September 1st, update the schedule listing all vendors that filed a questionnaire to include any prospective vendors and the date the prospective vendor's questionnaire was filed. The schedule should also identify any reported relationships and gifts. The questionnaire must be in the form and include the content prescribed by the Texas Ethics Commission. Go to <https://www.ethics.state.tx.us/forms/conflict/>

### **Procurement**

The following process should be followed when purchases are made:



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- Each Department/Campus should utilize the current Approved Vendor List when formulating purchase requisitions to enhance the District's buying power.
- Delegated personnel should obtain approval prior to making purchases.
- Request for payment without an approved purchase order will become the responsibility of the person ordering the merchandise or service.
- Materials for preview must follow the Procurement procedures.
- Employees should not purchase materials with their own money with the intention of being reimbursed by the District. Instead, the Procurement procedures should be followed.

### Purchase Orders

No purchases are authorized without issuance of a purchase order, as payment will not be made for such purchases. Anyone creating or authorizing such a commitment prior to securing a purchase order number will be held personally liable [or payment of such agreement and/or may be liable to prosecution under the Texas Penal Code Chapter 39 Abuse of Office, Section 39.01.

Purchase requisitions shall be submitted by the requestors to their Principal or department Director for approval.

The Purchase Requisition will be entered into the Business software system by the Principal/Department Head or designee. Orders must not be deliberately split to avoid the necessity for quotes or competitive bids as this is a violation of state and/or federal law. All Purchase Order Requisitions (POR) must be approved by the designated Director or School Principal before being electronically sent to Procurement. In the event a Director or Principal is absent he may designate approval authority to another person(s) higher on the approval path. The budget authority granted to a Principal or Director in no way authorizes them to execute contracts or make purchases in the name of the District.

The Requestor is responsible to provide all supporting documents regarding the purchase order request(s) to the Procurement Department in order to be considered for approval.

### Vendors

All vendors shall complete the appropriate vendor forms as required by federal or state regulations and the district. The district requires that every vendor have the following documents on file:

<https://www.southsanisd.net/Page/497>

- a. SSAISD Vendor Packet (Form new vendor application) i. W-9 Form (Form) ii. Conflict of Interest Questionnaire (Form CIQ)



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- b. Certificate of Insurance (with the district as additional insured) if services will be rendered on District property

The approved vendor list is located on our District website at: <https://www.southsanisd.net/Page/3910>

The vendor list will consist of all active vendors identified by their associated procurement category, unique vendor identification number, IRS tax identification number, phone number and up-to-date mailing and physical addresses. The AVL will be updated periodically as needed. South San Antonio ISD has inter-local agreements with several Procurement cooperatives including TASB BuyBoard and The Cooperative Procurement Network. A list of current coops can be found on the Procurement Webpage at: <https://www.southsanisd.net/Page/10563>

If a vendor does not have any transactions for more than 36 months, they will be inactivated. The Procurement Office will be responsible for maintaining and updating the vendor list. Vendors that lose eligibility to do business with the District for any reason will be removed from the active vendor list by the Procurement Office.

### **Sales Tax**

South San Antonio Independent School District is exempt from the payment of state sales taxes by the fact it is a political subdivision of the State of Texas. Staff members may not use the District's tax-exempt status for purchases of personal property. Anyone avoiding the payment of sales tax by using this exemption may be liable for prosecution under Texas Penal Code, Chapter 39, Abuse of Office, and Section 39.01. (This also applies to booster clubs, PTOs and other outside organizations – they must apply and receive their own tax-exempt status). When placing a confirming Purchase Order with a vendor, the school or department should indicate to the vendor that the District holds this exempt status and should not be charged tax.

### **Consultant Contracts**

A consultant is an independent contractor, not an employee, which offers services to the public. A consultant usually maintains an office and usually provides the equipment and materials necessary for completing or performing a service. A consultant is paid on a fee basis for specialized services that are usually considered to be temporary or short-term in nature, normally in areas beyond the expertise of the employing entity's employees. Consultants hired to perform a service will execute a written contract acceptable to the District, prior to the performance of the service. A request to pay a consultant must be submitted with a copy of the signed contract. Consultants whose services will be utilized on campus, are required to undergo a background check.



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## Purchases Greater than \$50,000

All school district contracts for the purchase of goods and services valued at \$50,000 or more in the aggregate during a 12-month period must be competitively bid. EC 44.031

Exceptions to 3a:

- Professional Services- architect, physician, certified public accountant, attorney, surveyor, engineer, or state certified real estate appraiser EC 44.031 F
- Sole Source Goods - items only available from one source covered by a patent, copyright, or monopoly; films, books, manuscripts; utility services; and captive replacement or component parts for equipment repair. EC 44.031 J
- Emergency repair or replacement of school equipment that has been damaged or destroyed with the approval of the Board of Trustees. EC44.031 H
- Computers with an annual aggregate value above \$25,000. EC 44.031k
- School buses with an annual aggregate value greater than \$20,000 EC 44.031 L

Development of Specifications Preparation of specifications (specs) shall be the responsibility of the procurement department along with the assistance of requesting department. The responsibility of the Procurement Office is to finalize specifications in accordance and conjunction with the campus/department to fulfill the campus/department need. Furthermore, competitive bids can be obtained and the office can assure that board policies and state laws are followed regarding the purchase.

Specifications must contain adequate technical descriptions to clearly identify for prospective bidders the type of material, equipment, or services required. In addition to the detailed specifications, brand names or equal, model numbers, and like descriptions may be referred to as products which meet the specifications to inform prospective bidders of the type of quality required. Descriptions must include quantitative data such as size, weight, or volume and qualitative data such as commercial grade, texture, finish, strength, chemical analysis, or composition where possible.

Board Policy CH (Legal) and CH (Local) concerning Procurement can be found at:

<https://pol.tasb.org/Policy/Code/177?filter=CH>