

Purchasing

Policies & Procedures Handbook



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**FOR TRAINING WITH A MEMBER FROM THE
PURCHASING TEAM, PLEASE EMAIL:**

GERRY LEMUS, PURCHASING DIRECTOR

GLEMUS@VUSD.ORG

PURCHASING STAFF

Hours of Operation - Monday – Friday 8:00 AM – 5:00 PM

Gerry Lemus, Director, Business Services	(559) 931-8076 Ext. (10552)
Reina Sanchez, Purchasing Supervisor	(559) 931-8076 Ext. (10553)
Regina Lira, Purchasing Specialist	(559) 931-8076 Ext. (10554)
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Victoria Haberman, Purchasing Technician	(559) 931-8076 Ext. (10557)
Larissa Garsa, Administrative Assistant	(559) 931-8076 Ext. (10556)

	Reina	Regina	Tina	Victoria	Larissa
<i>Activity Vendors</i>					X
<i>Appliances</i>	X	X		X	
<i>Athletics/Band Uniforms</i>			X	X	
<i>Bids/Piggyback Contracts</i>	X	X			
<i>Copiers</i>					X
<i>Construction</i>	X	X	X		
<i>Classroom/Office Furniture</i>	X	X			
<i>Classroom/Office Supplies</i>			X	X	
<i>Library Books/Textbooks</i>			X	X	
<i>Maintenance</i>	X	X	X		
<i>Move Requests</i>	X	X			
<i>Surplus</i>	X	X			

Technology

The Director of Technology oversees the operation and management of all district equipment concerning technology. The Director ensures compliance with PCC 20118.2 in addition to ensuring that all technology items purchased are in line with the District's Technology Plan. All requisitions for technology and related equipment, such as computers, tablets, cellular phones, printers, projectors, and like require the additional approval of the Director of Technology. **(559) 730-7631**

Maintenance

The Director of Maintenance oversees the operation and management of all district maintenance and repairs throughout the district. All requisitions regarding maintenance and repairs will be forwarded to the Director of Maintenance with a Facility Modification Request attached. The Facility Modification Request form can be found on our website at www.vusd.org. You will need to provide details as to the work you would like done at your site on this form. **(559) 730-7589**

Charter Bus Service & Vehicle Purchase

The Director of Transportation oversees the operation and management of all vehicle-related services. All requisitions pertaining to transportation services will be forwarded to the Director of Transportation **(559) 730-7856**

Nutritional Services

The Director of Nutritional Services oversees the operation of the School Breakfast Program, the National School Lunch Program, the Fresh Fruit and Vegetable Program, and the After-School Snack Program throughout the district. This team is made up of a team of food and nutrition professionals. For USDA Dietary guidelines, meal applications, and more, please contact the Director of NSD at **(559) 730-7871**.

PURCHASING POLICIES AND PROCEDURES

This statement of purchasing policies and procedures is published in compliance with Sections 54202 and 54204 of the Government Code of California. The guiding policy of the Board of Education in establishing these policies and procedures is to obtain maximum value for every dollar expended.

The Board recognizes that its responsibility and major policy function is to ensure that the funds of the District are prudently expended in support of the instructional program within the adopted budget and that such expenditures comply with State and Federal Laws.

In accordance with the Education Code, the responsibility for the purchasing function and the power to negotiate contracts on behalf of the District is delegated to the Superintendent or designee. All purchases shall be approved or ratified by the Board and recorded in the Official Board Minutes.

All purchasing functions shall be centralized in the Purchasing Department of the Business Services Division. The chief function of the Purchasing Department shall be to render an efficient, centralized service to all schools and departments in the procurement of all supplies, services, and equipment and to comply with State and Federal Laws.

Purchases requiring legal advertising and sealed bids shall be awarded to the lowest responsive and responsible bidder meeting specification requirements. Equipment purchases shall be determined by cost, service, and utility. The specifications governing the purchase of supplies, services, and equipment are the responsibility of the Purchasing Department and the department making the request.

No purchase is to be made directly by any school employee. Any purchase or transaction made in the name of the District without an authorized purchase order shall be considered an obligation of the person making the transaction and not an obligation of the District.

All purchases shall be requested on a requisition and approved by the site and/or program administrator. All District purchase orders are to be signed by the Superintendent or designee as assigned.

PURCHASES AND PURCHASE ORDERS

All purchases for the Visalia Unified School District are to be made in accordance with the outlined procedures - Board Policy 3300. No purchase is to be made directly by any school employee. Employees are to make all requests for the purchase of materials, equipment, or services (other than items on the Standard Supplies List) on a requisition through VUSD's ERP (Tyler Munis) system. This requisition is to be approved through the ERP workflow. The Director of Purchasing will make purchases on the basis of the lowest price for comparable quality and service. No materials should be received from vendors or services requested unless such are duly approved, and a purchase order number assigned. Materials or services not ordered in the manner prescribed will be the obligation of the individual employee. The District assumes no responsibility for materials or services ordered without proper approval.

In case of an emergency affecting the operation of the District, the Superintendent and/or Assistant Superintendent of Business may authorize issuance of a Purchase Order exceeding bid thresholds. An emergency is defined as a safety issue that presents danger to the health and safety of students and/or employees or the inability of a department or school site to carry out their assigned responsibilities because of the loss of critical equipment.

PURCHASING DEPARTMENT RESPONSIBILITIES AND DUTIES

1. To obtain the maximum value for each dollar expended.
2. To comply with all applicable provisions of State and Federal Laws governing school district purchasing.
3. To establish specifications that are descriptive of materials desired and, at all times, sufficiently broad to promote competitive bidding.
4. To publicly open advertised bids at the prescribed time and place.

5. To attract and develop a group of responsible bidders able to offer the best prices consistent with quality, delivery, and service.
6. To serve the best interest of the school district in all transactions.
7. To give all bidders an equal opportunity to qualify for school business. Visalia Unified School District adheres to all Federal recommended purchasing practices.
8. To purchase without favor or prejudice.
9. To conduct purchasing in a business-like manner using the most efficient procedures, records and reports.
10. To acquire material, when advantageous to the District, through the Federal Surplus Property Act.
11. To participate in cooperative purchasing with other governmental agencies when consistent with the policies listed herein.
12. To ensure that no member of the Governing Board shall have a personal interest in any contract entered into by the Board of Education (as defined in Education Code Sections 35230-35240 inclusive) and that employees of the Visalia Unified School District will refrain from accepting any gratuities that might compromise their objectivity.
13. To standardize as much as possible on equipment and/or supplies used within the District without encumbering service.
14. To assume the sole responsibility for all requests for price quotations and purchasing transactions for the District.

PROCUREMENT CODE OF CONDUCT

In accordance with the general procurement standards in Title 2, Code of Federal Regulations (2 CFR), Section 200.318(c), each school district must develop and maintain written standards of conduct to cover potential personal and organizational conflicts of interest. These written standards must govern the actions of agency employees, officers, or agents who engage in the selection, award, and administration of contracts funded by federal awards.

Any person employed by the school district who purchases goods and services or is involved in the purchasing process shall be bound by this code and shall:

- Avoid the intent and appearance of unethical or compromising practice in relationships, actions, and communications;
- Diligently follow all lawful instructions while using professional judgment, reasonable care, and exercising only the authority granted;
- Conduct all purchasing activities in accordance with the laws, while remaining alert to and advising the LEA regarding the legal ramifications of the purchasing decisions;
- Refrain from any private or professional activity that would create a conflict between personal interests and the interests of the LEA;
- Identify and strive to eliminate participation of any individual in operational situations where a conflict of interest may be involved;
- Never solicit or accept money, loans, credits, or prejudicial discounts, and avoid the acceptance of gifts, entertainment, favors, or services from present or potential suppliers which might influence or appear to influence purchasing decisions;
- Promote positive supplier relationships through impartiality in all phases of the purchasing cycle;
- Display the highest ideals of honor and integrity in all public and personal relationships in order to merit the respect and inspire the confidence of the public being served;
- Provide an environment where all business concerns, large or small, majority- or minority-owned, are afforded an equal opportunity to compete for the LEA's business;
- Enhance the proficiency and stature of the purchasing profession by adhering to the highest standards of ethical behavior.
- A Statement of Economic Interest, Form 700, will be completed by every public employee who makes or influences governmental purchasing decisions, on a yearly basis.

INCENTIVES

Incentives that may serve to induce or influence an employee engaged in the selection, award, or administration of contracts may be unlawful. Examples of incentives include, but are not limited to:

- Extra goods or services that were not solicited
- Gifts (such as free merchandise, extra tickets, gift cards)
- Money for scholarships
- Cash
- Points that can be redeemed for merchandise

To avoid noncompliance with federal procurement regulations (including, but not limited to 2 CFR, sections 200.318, 200.319, and 400.2) and to prevent bid protests, this written Code of Conduct prohibits LEA staff from accepting any incentives offered by a bidder for any LEA staff member's personal use.

Incentives solicited by an LEA in the RFP or IFB may be allowable if the incentive or related item benefits the food service operation.

When requesting incentives, the LEA must keep in mind the following:

- All responsive bids or proposals, including those without the requested incentives, must be evaluated
- All requested incentives must exclusively and directly benefit the food service program; incentives that are retained by the LEA for non-program use, or given to employees or students as a reward for an accomplishment, are not allowed
- Soliciting incentives must not create a barrier to full and open competition
- Eliminating bidders based on the provision of incentives or points programs limits full and open competition by placing unreasonable requirements on those bidders that are unable or unwilling to provide such incentives
- Requesting incentives may reduce the pool of bidders
- Unless all bidders can offer the solicited incentives, the LEA may not score the solicited item as part of the evaluation criteria
- Bids and proposals that include unsolicited incentives are considered overly responsive and LEAs may be required to disqualify overly responsive bids, especially if it causes a material change to the RFP

CONSEQUENCES

Pursuant to 7 CFR, Section 210.19(a) (4), the California Department of Education (CDE) is required to investigate complaints received or irregularities noted in connection with the operation of the food service program. This requirement extends to the performance of individuals and organizations engaged in contract solicitation, award, and administration. The CDE's oversight and monitoring of LEA procurement activities includes a review of the LEA's written Code of Conduct and, when necessary, investigations of reported real or apparent conflicts of interest. If a CDE investigation reveals that an LEA violated their Code of Conduct, the CDE will issue a finding of noncompliance and require the LEA to take corrective action. Consequences for failure to comply with federal regulations are outlined in 2 CFR, sections 200.338 (Remedies for Noncompliance) and 200.339 (Termination), and may include temporary withholding of cash payments, suspension of program funding, denial of all or part of the cost of the noncompliant activity, and/or other remedies to bring the LEA into compliance and termination.

The LEA should be familiar with federal, state, and local laws regarding the misuse of public funds that could lead to other consequences, including civil or criminal penalties, lawsuits, and bid protests that may also result in public mistrust. LEAs shall be responsible for ensuring that their procurements and contracts comply with all applicable laws, program instructions, and guidance materials, and will consult their legal counsel regarding any proposed procurement methods or contract language.

PROCUREMENT PROCEDURES

1. The purchasing of services, equipment, and supplies shall be centralized in the Purchasing Department under the immediate supervision of the Director of Purchasing. No invoice submitted by a vendor shall be paid unless the purchase was authorized by the Superintendent or designee.
2. Bid specifications shall be clear, complete, and conducive to competitive bidding, and include all conditions necessary to bid.
3. All purchasing shall be by competitive bidding with award to the lowest responsible bidder (except where permitted by Education Code) meeting bid instructions, conditions, and specifications in accordance with the following plan:
 - A. Purchases for expenditures over \$75,000 for work to be done, and over \$114,800 for materials or supplies to be furnished, sold or leased shall be by advertised bid and award; the advertised bid shall include bid instructions and conditions, and materials desired.
 - B. Purchases for expenditures under \$75,000 for work to be done, or under \$114,800 for materials or supplies to be furnished, sold, or leased, shall be informal telephone or written quotations, keeping in mind at all times, that we must serve the best interest of the School District in our transactions.
 - C. On work to be done, the District will be utilizing provisions of Public Contract Code 22030, which allows the District to issue contracts up to \$75,000 without competitive bidding. Both Purchasing and Maintenance Departments will follow all guidelines mandated in Public Contract Code 22030.
 - D. Exceptions: It shall be noted, that where deemed impractical or otherwise advisable by the Director of Purchasing, certain services and supplies may be procured by law without competitive bidding. These services and supplies include but are not limited to perishable foods and professional services.
4. All advertised bids shall be opened in public by the Director of Purchasing or a representative and read aloud at the prescribed time and place. Interested parties may secure prices and other information at the public reading of the bids. No bid may be removed from the Purchasing Department. After the public reading of the bids, tabulation and analysis will be made. A recap of the bid shall be available in the Purchasing Department for interested parties. The award will be made by the Board. Any bids received after the time specified in the notice shall be returned unopened.
5. The District reserves the right to accept or reject any or all proposals of bids, or any combination thereof, and to waive any informality or irregularity in the bid or in the bidding.
6. When all considerations of a bid are equal, the award shall be handled as follows:
 - A. Single Item Bid: Equal bids shall be awarded by a drawing, except that preference shall be given to local firms. A local firm is defined as one established in Tulare County with normal wholesale or retail outlets, a stock of merchandise (not necessarily related to bid) not less than one clerk, delivery system, or a combination of the above factors.

- B. Multiple Item Bid: Equal multiple item bids shall be awarded to the firm submitting the aggregate of low quotations on that bid, except that preference shall be given to local firms. (Local firms defined in 6-A.)
 - C. Equal aggregate bids between either all local or all out-of-town firms shall be awarded by a drawing, unless otherwise specified in bid.
7. The Purchasing Department shall be responsible for:
- A. Securing necessary bids/quotes for the purchase of supplies, equipment, and certain designated services used by the schools and operating departments from those sources able to offer the best prices consistent with quality, delivery, and service.
 - B. Securing necessary bids/quotes for the sale of surplus, obsolete, or scrap material.
 - C. Preparing recommendations of award of bids for approval by the Board of Education.
 - D. Issuing written purchase orders and/or contracts for materials purchased.
 - E. Conducting necessary price adjustment negotiations.
8. Purchases made in the name of the District without an authorized purchase order shall be considered an obligation of the person making the purchase and not an obligation of the District. Should an unauthorized purchase occur without proper documentation, a letter will be sent from the Purchasing department to the site and vendor.
9. The Purchasing Department shall strive constantly to increase its knowledge of services, materials, prices, processes, and sources in manufacturing and shall keep other departments informed.
10. The Purchasing Department shall study the market of school suppliers to determine the most advantageous time to purchase specific materials and to be constantly alert to economic changes
11. The Purchasing Department shall remain unbiased toward any vendor. Each order shall be placed on the basis of quality, price, delivery, and past performance.
12. Salesmen shall be requested to conduct their business with the Purchasing Department during established hours by appointment only. If calls on site or other departments or schools are necessary, they shall be arranged by the Purchasing Department.
13. Purchasing shall be on a yearly purchasing program, as far as possible, so that work can be kept at a fairly uniform level throughout the year. Every possible advantage shall be taken of quantity buying.
14. The Director of Purchasing shall be responsible for analyzing bids and shall determine that the equipment and/or supplies selected meet the specifications, but its price may not exceed that of a product which meets them.
15. Specifications of the material or equipment needed is a prerogative of each department if within the approved policies and standards. However, the Purchasing Department shall have the authority to question the quality and kind of material requested and to make recommendations relative to health safety, economy, and substitute materials. Disagreements over materials that cannot be reconciled between the Purchasing Department and the requisitioner shall be forwarded to the proper staff members for decision.

16. The Purchasing Department shall refrain from assisting any person in securing materials at a discount for personal use.

17. Employees of the District shall not be financially interested in any District contract for goods or services when the contract involves the same type of work they perform for the District as an employee.

18. District student bodies shall utilize the services of the Purchasing Department wherever possible for assistance in their purchasing activities.

19. The Purchasing Department shall not solicit contributions of funds, materials, or services from vendors, however worthy the cause.

OPEN PURCHASE ORDER POLICIES AND PROCEDURES:

These procedures and guidelines have been established to ensure that District purchasing and accounting requirements are followed. The following procedures shall be followed when submitting Requisitions:

1. Order for miscellaneous supplies shall not exceed \$1,000.
2. Orders not exceeding \$3,000.00 may be issued for Home Economic Supplies (CTE).
3. Orders not exceeding \$2,000.00 may be issued for Industrial Arts Departments.
4. Orders for miscellaneous items shall be picked up by an authorized employee of the District.
5. Receipts for miscellaneous items shall be itemized and signed by the authorized employee picking up the materials.
6. It is the employee's responsibility to record the purchase order number on receipts and invoices.
7. Receipts shall be submitted to the Accounting Department for payment after items have been received.
8. Orders exceeding \$1000.00, to be picked up by an authorized employee of the District, shall be itemized on a requisition.
9. Equipment or tools shall not be purchased on an open purchase order.
10. Orders exceeding \$3,000.00 may be issued quarterly for emergency supplies and low-cost items to be picked up by Maintenance, Transportation Department, and Operations II. Computer Services may be issued open purchase orders for repair parts only.
11. Emergency orders may be picked up only after the Site Administrator/Department Manager obtains telephone approval from the Purchasing Department, the budget verified, and a purchase order number has been assigned.
12. All purchase orders will be canceled at the end of each fiscal year.

CUT OFF DATES

Annual, consistent timelines and cut-off dates are established for all purchases. Requisitions received after the cut-off dates will be returned to the site/department unprocessed to be re-submitted in the next school year. Requisition cut-off date is the first week of June each fiscal year. Official cut-off dates can be found on our website at www.vusd.org/purchasing.

CREDIT CARDS

District credit cards are intended to complement existing purchasing processes. It is not intended to bypass purchasing procedures. The district credit card holder is responsible for the security and sole use of the credit card. The user must keep receipts for all purchases made using the district credit card. A statement for the assigned district credit card is issued on a monthly basis and due the following month. A credit card quick reference guide providing additional information and guidelines can be found on our website at www.vusd.org.

MEMBERSHIP/DISCOUNT STORES

While many membership and discount companies offer appealing products, it is recommended that purchases from such companies be kept at a minimum. Often valuable time is spent preparing a warrant and attempting to locate the item, only to find out that the item has been discontinued. All sites are encouraged to avoid companies that do not accept District purchase orders or make deliveries.

Per District Board Policy 8101, memberships in individual employee names are not allowable expenses, except when provided by individual employee contracts. Memberships in the District's name are allowable expenses.

SALE OF EQUIPMENT

After Board has approved, all property belonging to the district, not required for school purposes, may be sold, after proper advertisement, at public auction. Sale of salvage equipment directly to individuals is not permitted. (EC 39520).

Auctions and/or sales are scheduled based on the volume of equipment available for sale.

Equipment being removed from sites/departments must be processed through the Purchasing Department. Sites and/or Departments shall not throw away any equipment. All damaged obsolete equipment must be processed through Purchasing.

STUDENT BODY - PARENTS CLUBS PURCHASES

Student Body/Parent Club purchases of equipment that will be housed on District Property are considered "donations". In order for the District to accept donated items, and have these items covered under District insurance, the Board must approve the donation. This may be done by processing the order through the Purchasing Department.

In order to insure all equipment throughout the District, ***all purchases for equipment made by Student Body Groups or Parents Clubs MUST be processed through the Purchasing Department. Equipment that must be included in this process include such items as:***

Audio Visual Equipment, Computer Equipment, Furniture, Playground Equipment, and any potentially toxic or flammable material.

The following guidelines should be followed whenever Student Body/Parents Clubs are ordering equipment.

1. Parent Club/Student Body must deposit the funds directly into the site's account to cover the purchase. The site will then prepare a requisition as normal. Purchase orders will not create invoices back to Parent Club/Student Body accounts.

2. Purchases that will be paid back over multiple years (typically playground equipment) must have a Memo of Understanding issued by the Assistant Superintendent of Business Services stating the amount and the repayment terms.

TOXIC MATERIALS

Toxic materials: Beginning in 1986-87, the State of California, Department of Education established guidelines that prohibit schools from using arts or crafts materials deemed to contain a toxic substance, as defined, for use by K-6 students. Commencing on June 1, 1986, schools are not permitted to order, purchase or use any substance defined as a toxic substance causing chronic illness by students in grades 7 to 12, inclusive, unless it meets required labeling standards or is exempt from labeling requirements (EC 49354-5)

Flammable materials: Title 19, of the California Administrative Code #3.08, requires that only flame-retardant material be used on walls as decorative material. This includes items such as project paper. The project paper stocked in the Central Warehouse meets the flame-retardant qualifications. Purchases of project paper other than through the Central Warehouse may result in non-flame-retardant material being placed in the schools, a violation of Title 19, and subjects the school to Fire Marshall Citations.

Material Safety Data Sheets: Material Safety Data Sheets are forms provided by the suppliers of products that are potentially hazardous if used incorrectly. Some supplies that require MSDS forms include, but are not limited to: all science chemicals, rubber cement, markers, highlighters, custodial cleaning compounds, duplicator fluid, and ink pads. The MSDS provided the name of the product, chemical make-up, and information on how to handle spills. All District personnel who use supplies that require MSDS forms are required to be familiar with the products and how to handle an emergency.

BIDDING/ Piggyback

The Purchasing Department makes all purchases in accordance with the State of California Ed. Code and the Public Contract Code. Requisitions submitted for equipment and/or supplies in excess of \$114,800.00 or for Public Works to be done and meet UPCCAA procedure requirements).

PROCUREMENT STANDARDS

Visalia Unified must conduct all procurement transactions in a manner that allows full and open competition consistent with the standards stated in 2 CFR, Section 200.319. To ensure objective vendor performance and eliminate any unfair competitive advantage, vendors that develop or draft specifications, requirements, statements of work, invitations for bid (IFB), or requests for proposal (RFP) must be excluded from competing for the bid (2 CFR, Section 200.319[a]).

Actions that restrict 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. Conducting noncompetitive pricing practices between firms or between affiliated companies.
4. Awarding noncompetitive contracts to consultants who are on retainer contracts.
5. Allowing organizational conflicts of interests.
6. Specifying brand name product instead of allowing an equal product to be offered by describing product performance or other relevant requirements.
7. Engaging in any arbitrary action during the procurement process, such as awarding a contract without a valid reason to a vendor that did not rank first or lowest in price according to the agency's evaluation criteria when awarding a contract.

BID INFORMATION

The California Legislature passed the California Uniform Public Construction Cost Accounting Act (Public Contract Code 22000 et seq.) to promote uniformity of bidding procedures and cost accounting standards on construction projects performed and contracted by public entities in the State. The act is an excellent tool for local public agencies which want to raise bid threshold to \$75,000.00, simplify bid process, and increase the likelihood of receiving bids from responsible contractors.

Construction Projects up to \$75,000.00	
Construction Thresholds	Purchasing Process
Up to \$75,000.00	The project will be awarded to the contractor or vendor whose proposal is most fair, reasonable, and responsible. Any project with a value greater than \$25,000.00 requires a payment and performance bond per California Civil Code Section 3247 et seq.
Informal Construction Bids up to \$220,000.00	
\$75,000.01- \$220,000.00	Projects that exceed \$75,000.01 but not more than \$220,000.00 in value must be Informally bid per Public Contract Code sections 22030 –22045 *Informal bid limit is \$220,000, and the limit for awarding informal bids is up to \$235,000, provided that the cost estimate was determined to be reasonable
Formal Construction Bids over \$220,000.00	
\$220,000.01 and over	Public Works projects that are valued at more than \$220,000.00 must be formally Bid.

Government / National Contracts and Pre-Existing Bids:

Purchases may also be obtained by using Pre-existing Government and National Contracts such as US Communities, NJPA (National Joint Powers Alliance), TCPN (The Cooperative Purchasing Network), and other Government Contracted pricing.

Purchases may also be obtained by using a Pre-Existing Bid (Piggyback Clause), Public Contract Code 20652/20118. This type of bid must have the clause in the bid document at the time of bid opening and must be granted by the awarded vendor. The Purchasing Department shall research these bids.

SELECTED SECTIONS OF THE CALIFORNIA EDUCATION, GOVERNMENT, PUBLIC CONTRACT CODE, AND TAXATION CODES AND TAXATION CODES RELATING TO PURCHASING

LETTING OF CONTRACTS TO LOWEST BIDDERS (PUBLIC CONTRACT CODE 20111)

The governing board of any school district shall let any contracts involving an expenditure of more than Seventy-five Thousand Dollars (\$75,000.00) for work to be done, more than One hundred Fourteen Thousand Eight Hundred Dollars (\$114,800.00) for materials or supplies to be furnished, sold, or leased to the District, to the lowest responsible bidder who shall give such security as the Board requires, or else reject all bids. This section applies to all materials and supplies, whether patented or otherwise.

NOTICE CALLING FOR BIDS (PUBLIC CONTRACT CODE 20112)

For the purpose of securing bids, the Board shall publish, at least once a week for two weeks, in some newspaper of general circulation published in the district, or if there is no such paper, then in some newspaper of general circulation, circulated in the county, a notice calling for bids, stating the work to be done or materials or supplies to be furnished and the time when and the place where the bids will be opened. Whether or not bids are opened exactly at the time fixed in the public notice for opening bids, a bid shall not be received after that time.

EMERGENCY REPAIR CONTRACTS WITHOUT BIDS (PUBLIC CONTRACT CODE 20113)

In an emergency, when any repairs, alterations, work, or improvements are necessary to any facility of public schools to permit the continuance of existing school classes, or to avoid danger to life or property, the Board may, by unanimous vote, with the approval of the county superintendent of schools; make a contract in writing or otherwise on behalf of the district for the performance of labor and furnishing of materials or supplies for the purpose without advertising for or inviting bids.

WORK NOT TO EXCEED 350 HOURS (PUBLIC CONTRACT CODE 20114)

In each school district, the governing board may make repairs, alterations, or additions to school buildings, repair or build apparatus or equipment, make improvements on school grounds, and erect new buildings by day labor, or by force account, whenever the total number of hours on the job does not exceed 350 hours.

SPLIT OR SEPARATION INTO SMALLER WORK ORDERS OR PROJECTS; TOTAL COST OF PROJECTS; RECORDS; INFORMAL BIDS (PUBLIC CONTRACT CODE 20016)

It shall be unlawful to split or separate into smaller work orders or projects any work, project, service or purchase for the purpose of evading the provisions of this article requiring * * * contracting after competitive bidding.

IDENTICAL BIDS; DETERMINATION OF ACCEPTANCE BY LOT (PUBLIC CONTRACT CODE 20017)

Notwithstanding any other provision of law, in the event there are two or more identical lowest or highest bids, as the case may be, submitted to a school district for the purchase, sale, or lease of real property, supplies, materials, equipment, services, bonds, or the awarding of any contract, pursuant to a provision requiring competitive bidding, the governing board of any school district may determine by lot which bid shall be accepted.

AUTHORIZATION OF PUBLIC CORPORATION OF AGENCY TO MAKE LEASES OR PURCHASES (PUBLIC CODE 20118)

Notwithstanding Sections 20111 and 20112, the governing board of any school district without advertising for bids, if the board has determined it to be in the best interests of the district, may authorize by contract, lease, requisition, or purchase order, any public corporation or agency, including any county, city, town or district, to lease data-processing equipment, purchase materials, supplies, equipment, automotive vehicles, tractors, and other personal property for the district in the manner in which the public corporation or agency is authorized by law to make the leases or purchases. Upon receipt of any such personal property, provided the property complies with the specifications set forth in the contract, lease, requisition, or purchase order, the school district may draw a warrant in favor of the public corporation or agency for the amount of the approved invoice including the reasonable costs to the public corporation or agency for furnishing the services incidental to the lease or purchase of the personal property.

ELECTRONIC DATA-PROCESSING SYSTEMS; BIDS (PUBLIC CONTRACT CODE 20118.1)

The governing board of any school district may contract with an acceptable party who is one of the three lowest responsible bidders for the procurement or maintenance, or both, of electronic data-processing systems and supporting software in any manner the board deems appropriate.

SUPPLEMENTARY TEXTBOOKS, LIBRARY BOOKS, ETC.; PURCHASE WITHOUT ESTIMATES OR BIDS; OPERATIVE DATE (PUBLIC CONTRACT CODE 20118.3)

The governing board of any school district may purchase supplementary textbooks, library books, educational films, audiovisual materials, test materials, workbooks, instructional computer software packages, or periodicals in any amount needed for the operation of the schools of the district without taking estimates or advertising for bids. This section shall become operative January 1, 1989, and is declaratory of existing law and practice.

DURATION OF CONTINUING CONTRACTS FOR SERVICES AND SUPPLIES (EDUCATION CODE 39644)

Continuing contracts for work to be done, services to be performed, or for apparatus or equipment to be furnished, sold, built, installed, or repaired for the district, or for materials made with an accepted vendor as follows: For work or services, or for apparatus of equipment, not to exceed five years; for materials or supplies, not to exceed three years.

PURCHASE OF SURPLUS PROPERTY FROM FEDERAL AGENCIES (EDUCATION CODE 39654)

The governing board of any school district may purchase from the Federal government or any agency thereof any surplus property, as defined in the Surplus Property Act of 1944, in any amount needed for the operation of the schools of the district without taking estimates or advertising for bids.

BIDS CANNOT SPECIFY BRAND TO EXCLUDE COMPETITION (GOVERNMENT CODE 4333)

In any advertisement for supplies, no bid shall be asked for any article of a specific brand or make nor any patent apparatus or appliances, when such requirement would prevent proper competition on the part of dealers in other articles of equal value, utility, or merit.

POLICIES AND PROCEDURES TO BE ADOPTED BY LOCAL AGENCY (GOVERNMENT CODES 54202 AND 54204)

Purchase of supplies and equipment to be in accordance with adopted policies and applicable law. Every local agency shall adopt policies and procedures, including bidding regulations, governing purchases of supplies and equipment by the local agency. Purchases of supplies and equipment by the local agency shall be in accordance with said duly adopted policies and in accordance with all provisions of the law governing same. No policy, procedure, or regulation shall be adopted which is inconsistent or in conflict with statute.

Manner of adoption where local agency is other than city, county or city and county. If the local agency is other than a city, county, or city and county, the policies provided for in Section 54202 shall be adopted by means of a written rule or regulation, copies of which shall be available for public distribution.

SALES AND USE TAX (REVENUE AND TAX CODE 6404)

VUSD IS SUBJECT TO ALL SALES TAX. The loan by any retailer of any tangible personal property to any school district for an educational program conducted by the district is exempt from the use tax. If the retailer makes any other use of the property, except retention, demonstration, or display, while holding it for sale in the regular course of business, the use is taxable to the retailer under Chapter 3 of this part as of the time the property is first so used, and the sales price of property to the retailer is the measure of the tax.

**VISALIA UNIFIED SCHOOL DISTRICT
NUTRITIONAL SERVICES
BUY AMERICAN PROCEDURE/POLICY**

The Nutritional Services Department is responsible for the procurement of goods and services including food products to provide healthy and nutritious meals to over 30,000 students.

Nutritional Services Staff including the Nutritional Services Director, Nutritionist, and Buyer are required to adhere to The Buy American Provision: Section 1.04(d) of the William F. Goodling Child Nutrition Reauthorization Act of 1998.

Each formal and informal solicitation for food products are required to include the following Buy American Provision language. In addition, Food Service staff will adhere to the guidelines listed below during the duration of the established vendor contract.

THE BUY AMERICAN PROVISION (Required in all formal and informal solicitations):

As a sponsor of the School Nutrition Programs, the District will consider only applicable products which comply with the requirements of the "Buy American" Act.

The Buy American Provision: Section 1.04(d) of the William F. Goodling Child Nutrition Reauthorization Act of 1998 requires that schools and institutions participating in the School Nutrition Programs in the contiguous United States to purchase, to the maximum extent practicable, domestic commodities or products for the use in meals served under the programs.

Section 104(d) of the William F. Goodling Child Nutrition Reauthorization Act of 1998 (Public Law 105-336) added a provision, Section 12(n) to the NSLA (42 USC 1760(n)), requires school food authorities (SFAs) to purchase, to the maximum extent practicable, domestic commodity or product. Section 12(n) of the NSLA defines "domestic commodity or product" as an agricultural commodity that is produced in the United States and a food product that is processed in the United States using substantial agricultural commodities that are produced in the United States as provided in 7 CFR Part 210.21(d).

"Substantial" means that over 51 percent of the final processed product consists of agricultural commodities that were grown domestically. Products from Guam, American Samoa, Virgin Islands, Puerto Rico, and the Northern Mariana Islands are allowed under this provision as territories of the United State

It is the District's intent to strictly adhere to this policy.

Any Bidder intending to provide products produced or grown in a foreign country must include such information on their bid submission. Failure to include such information the bid submission may result in product rejection at the vendor's expense.

Visalia Unified School District encourages products specification submitted for bid to be only 100% domestically grown and processed products.

Visalia Unified School District will monitor contractor performance as required in 2 CFR Part 200.318(b), formerly in 7 CFR Part 3016.36(b)(2), to ensure that contractor(s) perform in

accordance with the terms, conditions, and specifications of their contracts or purchase orders. This will be accomplished by ensuring the product label designates the United States, or its territories, as the country of origin.

The District requires contractor(s) to provide country of origin on all products and invoices submitted for payment.

Contractor(s) are required to list the country of origin for products in all bid documentation submitted along with receipts and invoices.

The District may impose penalties, including contract termination, if contractor(s):

- Are not able to comply with the Buy American provision.
- Exceptions to the Buy American Provision should be used as a last resort; however,
- An alternative or exception may be approved upon request. To be considered for the alternative or exception, the request must be submitted in writing to the Food Service Director a minimum of 10 days in advance of delivery.

The request must include the:

a.) Alternative substitute (s) that are domestic and meet the required specifications:

1. Price of the domestic food alternative substitute; and
2. Availability of the domestic alternative substitute in relation to the quantity ordered.

b.) Reason for exception: limited/lack of availability or price (include price):

1. Price of the domestic food product; and
2. Price of the non-domestic product that meets the required specification of the domestic product.

The contractor(s) are required to examine product packaging as the Nutrition Labeling and Education Act of 1990 mandates that the country of origin for both domestic and imported food products be identified on the product labels to ensure compliance with the Buy American Provision.

The District requires that suppliers certify the percentage of U.S. content in products supplied to us on the Bid Pricing Sheet.

If you are unable or unwilling to make such certification, we will not purchase from you.