OUACHITA PARISH SCHOOL BOARD

PURCHASING HANDBOOK

2023-2024



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FOREWORD

The purchasing, procuring, receiving, storing, and distribution of necessary items of supplies and equipment for use in the educational program of a school system in conjunction with the maintenance and operation of the system's school buildings all represent a very sizeable expenditure of money and involve a substantial percentage of the school budget. Consequently, it is necessary that basic policies and procedures be established to serve as guidelines in this area of responsibility.

In government, the purchasing function has become so important that the centralization of responsibility in a purchasing agent is now officially recognized and authorized. Like his counterpart in industry, the purchasing agent for a school system should be the coordinator for all procurement and should represent his board of education in all dealings with vendors. To a greater extent than the buyer for private industry, the school purchasing agent is governed by federal and state laws and school board regulations which tend to restrict his operations and actions; however, in most instances, these restrictions help the purchasing agent to maintain a reputation for fairness in his relationships with vendors.

The purchasing agent has two major and sometimes conflicting responsibilities. He is responsible to the various schools and departments for procuring the necessary items of supplies and equipment when they are needed and, at the same time, he has a responsibility to the taxpayers for purchasing the approved items at the best possible value and for providing adequate records to show that this was done. It will aid the purchasing operation if teachers, principals, and other administrators understand that upon the purchasing agent rests the obligation to assure open competition and to maintain adequate accounting records. However, the purchasing agent must never forget the importance to the educational process of obtaining the right supplies at the right time. In order to serve best that the most important end product, the student, purchasing is the support service for the teacher, principal, custodian, secretary and other individuals who use their services to provide for the education of the student. For an efficient operation there simply must be close cooperation between the purchasing agent and the using department, school or person.

This policy manual has been prepared primarily for the guidance of the administrative personnel responsible for purchase and supply; however, it is felt the information and guidelines contained in the document will be of value to the several schools and departments served by the purchasing department.

PURCHASING DUTIES AND RESPONSIBILITIES

The Purchasing Agent performs the following primary functions:

1. Becomes familiar with the products and services commonly used by the school system.

2. Studies price trends and market conditions; keeps informed of sources of supply and new product developments.

3. Becomes familiar with the Louisiana Public Bid Law relative to the proper acquisition of goods and services.

4. Contacts vendors relative to supply and equipment availability, purchase orders, and contracts.

5. Responsible for the warehousing, shipping and receiving for the School System, including maintaining an accurate perpetual inventory of items in warehouse.

6. Purchases all goods, services, and equipment used in the school system upon receipt of properly approved requisitions.

7. Monitors purchase requisitions to insure correctness of data.

8. Maintain an accurate and up to date system of records and files.

9. Assists in conducting the sale of salvage or surplus of equipment by auction.

10. Prepares bid documents, including notice to bidders, instruction to bidders, specifications, and form a proposal based on School Board Policy.

11. Tabulates bids and prepares recommendations for presentation at Board Meetings.

12. Interviews salesmen and/or vendors.

13. Strives to maintain up to date files of responsible bidders to assure the Board gets the best price available on the desired product, consistent with quality and service.

14. Makes every effort to obtain the highest quality items for the lowest prices.

CODE OF ETHICS AND VENDOR RELATIONS

Purchasing personnel are to consider first the interests of the school system and the betterment of its educational program. The department endeavors to obtain the greatest value from every tax dollar expended.

Because a large portion of revenues generated for the operation of the school board are derived through local taxation of businesses and industry in Ouachita Parish, all local merchants shall be given fair and equal opportunities regarding board purchases. The Ouachita Parish School System will seek business and bids from all eligible vendors, regardless of race, creed, color, sex, national origin, age or handicap. No favoritism will be extended to any vendor. Purchases shall be made at the lowest possible cost to the school district consistent with the system specifications of quality and service.

Personnel shall strive to accord a prompt and courteous reception, insofar as conditions permit, to all who call on legitimate business missions. The basic philosophy is to give all responsible bidders equal consideration and the assurance of unbiased judgment in determining whether their product meets specifications and the educational needs of the school system. To help insure unbiased decisions, purchasing personnel are to discourage the offer of, and to decline gifts which in any way might influence any purchases. No employee of the Ouachita Parish School System shall solicit or accept, directly or indirectly, anything of economic value as a gift or gratuity from any vendor, representative or agent of a vendor or a prospective vendor or contractor. A thing of economic value is defined in LSA – R.S. 42:1102 and means money or any other thing having economic value, except promotional items having no substantial resale value: food, drink or refreshments consumed by an employee.

The purchasing agent insists on and expects honesty in sales representation whether offered verbally or in writing, through the medium of advertising or in the sample of a product submitted for evaluation.

Each employee is expected to strive for knowledge of school equipment and supplies in order to recommend items that either may reduce cost or increase the efficiency of education, and to be receptive to advice and suggestions from colleagues, both in the education field and in other departments of school administration, insofar as such advice and suggestions are not in conflict with legal or moral restrictions in purchasing procedures. When the occasion permits, personnel are expected to counsel and assist fellow school purchasing officials in the performance of their duties.

Cooperation with educational, governmental, and trade associations in the promotion and development of sound business methods in the procurement of school equipment and supplies is encouraged. It is through such associations individuals can

exchange ideas to improve standards and techniques in the procurement process. Membership in the National Institute of Governmental Purchasing Association is encouraged. In order to demonstrate to the board and taxpayers a heightened understanding of the body of knowledge in procurement functions, the purchasing agent is encouraged to obtain professional certification in public procurement as a Certified Professional Public Buyer (CPPB) or a Certified Public Purchasing Officer (CPPO).

ORDERING PROCEDURES

The Ouachita Parish School System shall require, in accordance with sound principles of financial accounting, appropriate steps to follow in obtaining items purchased in the name of the Board. All such purchases must follow these guidelines in order to be considered by the Administrative staff:

1. Determine Needs – Check with your immediate supervisor to determine if the needed items can be supplied through existing inventory within your facility.

2. Determine Funding Authority – If this item is not available within your facility check with your immediate supervisor to determine if funding is available in the current budget. If funding is not available through the current Annual Operating Budget you should put your request in writing. Please include a cost estimate and the justification or purpose of the request.

3. Complete Requisition Form – Secure a requisition form from your immediate supervisor and fill out completely. The user should indicate the account to be charged. This is subject to approval of the accounting department and may be changed as appropriate. The user should show a suggested source or possible vendor. Purchasing, however, will determine the final source of supply. A description of the articles requested must be clear and concise. It is helpful if a known source or catalog number are included in the description. All items requisitioned from warehouse stock should be requested on a separate "JANITORIAL SUPPLY REQUISITION" form.

4. Obtain Approval of Requisition – Your immediate supervisor must approve your request and secure the approval of the supervisor or director in charge of the area under which the request falls; Special Education, Vocational Education, Title 1, Maintenance, School Food Service, Transportation, etc. All requests for purchases are subject to approval by the Superintendent and the Administrative Director of Finance/Support.

5. Submit to the Central Office – After the preceding steps have been completed, the requisition must be sent to the purchasing department to secure final approval.

6. Processing Requisition – The purchasing agent will analyze the requisition and take one of four steps:

    (1) Issue a purchase order outright
    (2) Obtain informal quotes before issuing a purchase order
    (3) Buy off of state contract
    (4) Obtain formal bids

7. Issuing Purchase Orders – Once the requisition has been processed and/or bids have been approved, the purchase order is sent to the vendor and a copy is forwarded to the originator who made the request.

8. Receive Merchandise – All supplies and equipment will be delivered to the location that was listed on the requisition. Although items with a value of up to $4,999.99 is considered material and supplies for accounting purposes, non-consumable electronic devices, regardless of value, will go through the inventorying process for administrative purposes.

9. Payment of Purchases – After merchandise is received and inspected, the invoices will be processed for payment. Invoices must be signed and dated, then forwarded to the accounts payable department.

GENERAL GUIDELINES FOR PURCHASING

The Purchasing Agent:

The Purchasing Agent is responsible to oversee the various purchases made involving the school board's funds and the implementation of this policy manual. He will provide for compliance with this policy, state bid law, and all other applicable provisions of state and federal law governing the school board's purchasing and contracting. The Purchasing Agent reports to the Administrative Director of Finance/Support.

The Purchase Order:

The Ouachita Parish School System purchase order is the seller's authority to ship and invoice for the goods specified on the order. The purchase order is a legal document and when the order is written as an acceptance of an offer, a contractual relationship is established. The order is not an offer, but the acceptance of an offer.

The purchase order is the most important of the purchasing forms. While it is unnecessary to employ intricate legal phrasing in the text of the order, its importance as a legally binding document should not be minimized. It should cover definitely and precisely the essential elements of the purchase in such a manner as to preclude future misunderstandings which are invariably costly.

Important elements of the purchase order are:

1. Purchase order number
2. Date printed
3. Name and address of vendor
4. Vendor number
5. Delivery address
6. Quantity of items being ordered
7. Unit price
8. Extended total
9. Sum total
10. Accounting fund and account number
11. Account number of vendor (if applicable)
12. Signature of purchasing agent

After all necessary information is typed on the order; it is then signed by the purchasing agent. Because the order is a legal and binding document, signatures of authorized personnel must be made personally and not affixed by a signing device such as a rubber stamp, etc.

The four (4) copies of the purchase order are distributed as follows:

1. Original – white. Mailed or faxed to the vendor (seller). This copy is also scanned into the Laserfiche System.

2. Second copy – pink. Forwarded to the accounts payable department for use as a control on paying invoices. A copy of the purchase requisition is also attached.

3. Third copy – yellow. Retained in the accounts payable department and filed numerically. Once paid in full these are scanned into the Laserfiche System.

4. Fourth copy – green. Sent to the originating person or school. It is an information copy informing the user that action has been taken on his or her requisition.

Authority to Issue Orders:

Regulations regarding the issuance of purchase orders are as follows:

1. The school board must approve all formal bids.

2. The purchasing department has the authority to issue orders under circumstances other than those specifically requiring board approvals. Telephone, fax and written quotes are used to secure goods that are not formally bid.

BIDS AND QUOTATIONS

Public Works:

The Ouachita Parish School System shall advertise and let by contract, except in cases of extreme emergencies, all public work exceeding $250,000 (formal bids). Bids are publicly opened and read aloud for interested parties in attendance. The contract shall be awarded to the lowest responsible bidder who has bid according the contract, plans, and specifications advertised. The bidder must have a current and appropriate state contractor's license. By statute, the board may undertake public works, other than the construction of buildings, with its own employees. The Board further reserves the right to choose to put out for formal bid those public works that are less than $250,000.00.

As an evidence of good faith of the bidder, the board shall require bidders for construction, improvement, repair, or other work to attach to the bid submitted, a bid bond, certified check, or cashier's check for not more than five percent (5%) of the contract work to be done.

When any bid is accepted for construction or doing any public works, a written contract shall be entered into by the successful bidder and the school board, and the successful bidder shall furnish a performance bond for at least 50% of the contract amount, to insure the faithful performance of his or her duties.

Under no circumstances shall there be a division or separation of any public work project into smaller projects, which division or separation would have the effect of avoiding the public bid law.

Additional requirements of the Public Bid Law are:

- Construction of buildings may be undertaken with school board employees if the total construction cost is less than $250,000.00. Otherwise, construction of buildings must be contracted out.

- Contracts for constructions, which are over $50,000, $10,000 for certain low voltage work, even if not bid out, will require the use of a state licensed contractor.

- All public works contracts in excess of $25,000 must be reduced to writing. A purchase order is deemed to be considered a contract.

- All public works contracts in excess of $25,000 must have a payment bond for at least 50% of the contract amount. A payment bond is for the protection of sub-contractors, laborers, and suppliers.

- Performance bonds on jobs of less than $25,000 are optional.

Materials and Supplies:

All purchases of materials or supplies exceeding the sum of $60,000 shall be advertised and let by contract by formal bidding to the lowest responsible bidder who has bid according to the specifications as advertised.

Purchases of materials or supplies of $30,000, but not more than $60,000, shall be made by obtaining at least three written or fax quotes. If a vendor is selected because of reasons other than the lowest price, those reasons will be fully documented and a notation shall be entered into the file as to the reasons for rejection of the lower quotes.

The public bid law for purchases of materials or supplies of less than $30,000 specifies no procedure. However, the purchasing agent should attempt, when time permits, on purchases of more than $1,000 for a combined requisition, or $500.00 for a single item to make an effort to check prices either through an internet search, or by obtaining quotations from local vendors. These searches and quotations are not always documented in the file for the order.

As an alternative, if equipment, materials or supplies are available from a State of Louisiana Contract, the purchasing agent may approve the purchase, if advantageous to the school board. Expenditures may be made by a requisition approved by the supervisor or director in charge of the area under which the request falls and for which funds are budgeted.

Public Bid Law Application:

The Louisiana Public Bid Law, Louisiana Revised Statutes, Title 38, Chapter 10, applies to public works and to purchases of materials, supplies and vehicles, as stated above.

The law does not apply to the following:

- A pure lease of movable property

- Professional services
- Insurance contracts
- Leases or purchases of real estate

Emergencies:

In cases of extreme emergency when time if not sufficient to advertise for bids for public works or purchase of materials and supplies, the board is permitted by law to declare that a public emergency exists and extend a contract for more than the sums mentioned without going out to bid; however, in such cases every effort shall be made by the administration to secure competitive quotations through negotiations.

Bid Advertisements:

All advertisements for formal bids shall appear in the newspaper selected as the official journal for the school board except in extreme emergencies as may be declared by the board. Any advertisement for any contract for public works, when published, shall appear once a week for three weeks in the official journal and the first advertisement shall appear at least twenty-five days before the opening of the bids.

Any advertisement for the purchase of materials or supplies shall be published two times in the official journal, the first advertisement appearing at least fifteen days prior to the opening of bids.

In any advertisement, the first publication shall not occur on a Saturday, Sunday, or legal holiday.

The school board shall not issue or cause to be issued any addendum modifying plans and specifications within a period of seventy-two hours prior to the bid opening; however, if the necessity arises to issue an addendum modifying plans and specifications within the seventy-two hour period prior to the bid opening, the opening of bids shall be extended at least seven working days, but not to exceed twenty-one working days, without the requirement of readvertising. The addendum shall state the revised time and date for the opening of bids.

Opening Of Bids:

All bids shall be opened and read aloud in public in the presence of one or more witnesses, at the time and place designated in the invitation for bids. Each bid, together with the name of the bidder, shall be recorded and open to public inspection. However, the school board shall not accept or take any bids including receiving any hand delivered bids, on days which are recognized as holidays by the United States Postal Service. The purchasing agent shall review, summarize and report bids to the board with recommendations for final action.

Bids are public records and are subject to inspection and copying; however, the purchasing agent should take precautions to avoid tampering. No comment should be made at the bid opening regarding the low bid or about award. The purchasing agent may state that the bids will be taken under advisement and a recommendation will be made to the school board.

When a purchase is to be made, the purchasing agent strives and is obligated to select the best bid in the interest of the school system. The lowest and best bid is the lowest bid meeting specifications. Should, for any reason, the lowest bid not meet specifications or acceptance, the next acceptable bid is taken. When the best bid is not the lowest received, the purchasing department requests justification. The justification may be requested in writing from the using department giving complete details on why the low bid should be waived. On orders requiring approval of the board, the justification is included in the board report. Each bid is carefully analyzed as to:

1. Quality

2. Price

3. Delivery

If the school board proposes to disqualify any bidder, the school board shall:

1. Give written notice of the proposed disqualification to the bidder, and include in the written notice all reasons for the disqualification; and

2. Give bidder, who is proposed to be disqualified, the opportunity to be heard at an informal hearing, at which time bidder is afforded the opportunity to refute the reasons for the disqualification.

Bid Specifications:

Quality is just as important as price, and it is the duty of the purchasing department working in conjunction with the using department to secure the best quality for the purpose intended. Quality buying is defined as the purchase of goods, supplies, materials, equipment, or services that will fulfill but not exceed the requirements for the purpose intended.

Proper specifications aid in obtaining proper quality. The purchasing agent must work closely with the using departments in writing adequate specifications for large purchases and updating current specifications. Bid specifications, briefly defined, are an accurate description of the material to be purchased. Specifications must be:

1. Simple, clear, and concise.

2. Thorough enough to discourage the bidding of materials not consistent with the quality requested.

3. Capable of being checked. If a specification cannot be checked, it is of little value.

4. Capable of being met by several bidders unless there is only one supplier (sole source). “Sole Source” letters are secured from vendors as verification in such an event.

5. As fair to the vendors as possible.

Specification may use a brand name and model number to indicate general quality and character of product sought, but must also clearly state that products of similar quality and character will be acceptable (brand name or approved equal).

Certain commodities such as gasoline may require the use of an index price to establish a price that adjusts with market conditions. Competition between bidders is based solely on the “margin over index price” which the bidder offers.

Specifications can call for no more than three alternates and when making an award, alternates must be accepted in the order that they are listed in the solicitation unless doing otherwise has no impact of the award.

Contracts for materials, supplies, or equipment, which will be needed in partial deliveries through the fiscal year, must be purchased through a “requirements contract” based on the total value of that commodity to be purchased during the fiscal year. These pertain to acquisitions such as office supplies, sand, gravel, gasoline, tires, auto parts and all commodities needed in small but recurring quantities during the fiscal year.

“Cost plus” contract arrangements cannot generally be used in public procurement.

List of Bidders:

After sufficient specifications have been developed by the user and the purchasing department, quotations must be secured. It is the responsibility of the purchasing department to maintain active and up-to-date files on vendors wishing to participate in the bidding and to send interested bidders invitations to quote. Purchasing must also comply with the Louisiana Public Bid Law as stated above.

The purchasing agent and his staff is expected to encourage competitive bidding by extending a courteous reception to interested parties, giving equal brands fair consideration and seeking competitive sources of supply.

Request for Proposals:

Professional services, telecommunications, data processing equipment, software, and equipment leases may be acquired either by public bidding or by means of a Request for Proposals (RFP). An RFP may give greater flexibility in making an award since the proposers may be graded on a variety of criteria. The criteria in an RFP may be set forth and weighted in the process of evaluating proposals. Prospective proposers should be informed in advance of the criteria to be utilized and the weight assigned to each criterion.

The purchasing agent must seek the permission of the school board and its approval of the specifications to be utilized for the Request for Proposals. The purchasing agent shall recommend to the school board an award to the responsible offeror whose proposal is determined in writing to be the most advantageous, taking into consideration the price and other evaluation factors set forth in the Request for Proposals.

Rejection of Bids:

Any and all bids received in response to an invitation to bid can be rejected if the bidder is not deemed responsible, or the character or quality of the services, supplies, equipment, or labor does not conform to requirements or if the board's interest is otherwise served thereby. "Responsibility" refers to the character or quality of the bidder –whether is an entity with which the school board considers safe doing business. Past performance is considered when determining a bidder's responsibility.

Bids may be rejected when the best price received is higher than the budgeted amount. When appropriate, the purchasing agent may recommend rejection to re-bid for a reasonable price. When the low bid does not meet specifications, bidders shall be notified in writing the reason(s) for the rejection, per R.S. 38:2212.

Late Bids:

All formal invitations to bid must specify a specific date and time for the public opening of the bid. Each vendor has the responsibility for seeing that his bid arrives in time.

Bids may be hand delivered, and a receipt obtained, or bids may be mailed certified, return receipt. Any bid not delivered on time or hand delivered/mailed certified is returned unopened.

Sole Source Items:

When using State Funds, certain software, testing materials, instructional materials can be “Sole Source” items than can only be obtained from one vendor. These items do not have to be bid. The purchasing agent shall secure “Sole Source” letters from the vendors as verification and these are kept on file as part of the purchase order documentation, but must be **highly** scrutinized. Sole source is a very high bar to clear, and while a vendor may claim to be the only source of a certain product, other products may perform similarly. When using Federal Funds the School Board may do a request for quotation that has the look of an RFP. Criteria of needs is established and put in the RFQ similar to an RFP. If several vendors respond, but only one can provide all of the established criteria, then the purchase can be made using the federal term of not adequate competition. In this case only one vendor can provide the “needs” based on the language of the RFQ. In no situation can a sole source or lack of adequate competition be used to purchase materials and supplies, nor public works projects.

Federal GSA Contracts:

Purchases may be made from federal GSA contracts, if advantageous to the school board and if amount is less than $10,000. Once the $10,000 threshold is exceeded, the public bid law must be followed. It is possible for the Office of State Purchasing to convert these types of contracts into state contracts. When this occurs, the provisions for purchasing from the Louisiana State Contract take precedent.

Louisiana Preference:

Preferences for purchases of materials, supplies, and provisions, produced, grown, manufactured or processed in Louisiana are entitled to a mandatory 7% price preference over products produced elsewhere. There is no preference for a Louisiana vendor, only for Louisiana produced products. Also, the preference does not apply to any school food service purchases.

There is no preference in contracts for public works, only a retaliatory preference: if the state of the out of state low bidder has a preference for its contractors, then the same preference for Louisiana contractors will be given when bids include those out of state contractors here.

For all other products purchased, the school board may choose to allow a bidder offering a Louisiana product and whose price is within 7% of the low bid to receive the award if the bidder is willing to sell at the low bid price.

The Public Bid Law does not allow local preferences for purchases of equipment and supplies (this includes any purchase of materials and supplies of over $10,000).

The only exception regarding local preferences is for purchases by school food service, since the U S Department of Agriculture prohibits any preferences.

Mistakes in Bidding:

Prior to the opening of any bid, the vendor retains the right to withdraw his bid for any reason. The bid will be reaccepted any time prior to the stated opening time and date.

If a mistake is discovered after the opening of the bid but prior to acceptance by the board, relief may be provided at the discretion of the purchasing agent. Requests for relief by withdrawal must be made in writing. To qualify for relief the error must be obvious or have been made under other circumstances considered excusable. The purchasing agent then may grant the vendor's written request to withdraw his bid with or without prejudice. Further, simple and very obvious mathematical errors such as improper placement of a decimal or transposition of numbers or neglecting to carry forward totals from one bid page to the other can be corrected by the purchasing agent with the bidder's knowledge. The corrections of any errors that cannot be clearly defined or that would in any way cause or appear to cause a questionable award are not permitted.

Only the board can correct mistakes that are discovered after the board has already awarded the bid. The vendor must explain his mistake in writing for the board's consideration at their next regular meeting. Relief may or may not be granted as the board determines, but such relief, if given, may carry a penalty as provided in the specifications.

Tie Bids:

Tie bids, quality being equal, are decided in the following manner:

Method of awarding: Flip of Coin.

1. Ties between local bidders.
2. Ties between intrastate bidders – not local.
3. Ties between out-of-state bidders.

Method of awarding: Award to local bidder.

4. Ties between local bidder and out-of-town or out-of-state bidder.

Method of awarding: Award to Louisiana bidder.

5. Ties between Louisiana bidder and out-of-state bidder.

Deposits of Good Faith (Bid Bond):

On certain bids the purchasing agent may deem it necessary to require deposits of good faith. A bid bond for 5% of the anticipated contract amount is mandatory on all public works solicitations advertised for bid. A bid bond is optional on any solicitation for the purchase of materials and supplies. The invitation to bid specifies the deposit amount. A certified check, cashier's check, money order, or properly executed bond should accompany the bid proposal. Checks should be made payable to the Ouachita Parish School System.

Deposits of the bidders are held until the award of the order and/or a contract is made. The deposit of the successful bidder is held until he has completed delivery or services or, if required provided a performance bond.

RECEIVING AND WAREHOUSING

Follow-Up and Expediting Of Orders:

Routinely, the accounts payable department handles the follow-up and expediting of purchase orders, with regular assistance from the purchasing department. Depending on the volume of orders outstanding and the nature of the orders, follow-up forms are sent to vendors approximately thirty days after the order is issued.

Although aided by the accounts payable department, the buyer is ultimately responsible for the follow-up and expediting of orders. The buyer immediately handles orders requiring specific delivery dates or orders from companies failing to acknowledge follow-up forms. Purchase order forms should state that orders unfulfilled by the vendor after sixty days will be rendered null and void.

Other areas requiring follow-up by the buyer are as follows:

1. Price discrepancies.

2. Incorrect or substandard items received from the vendor.

3. Coordination of delivery schedules.

Receipt of Purchased Items:

Proper receipt of purchased items is just as important as any of the other steps in the purchasing process. Since the purchasing department seldom receives merchandise ordered by its personnel, the department must rely heavily upon the receiver to be fully informed.

Routinely, the accounts payable department handles the follow-up and expediting of purchase orders with regular assistance from the purchasing department. Although aided by the accounts payable clerk, the receiver is ultimately responsible for the follow-up and expediting of orders.

The receiver should follow certain simple steps in checking goods received:

1. Check to see if the shipment has been delivered to the right address.

2. Check the carton externally for evidence of severe damage that may indicate it has been dropped, crushed, etc. If the carton is damaged, it should be brought to the attention of the driver and noted by him on his delivery receipt. Should a container be so damaged that it can easily be determined that the contents are damaged, the purchasing department should be notified at once. Further instructions will be received.

3. Check the contents of the carton against the packing list and the receiver's copy of the purchase order. Any item appearing on the packing list that is not in the carton should be noted on the driver's receipt form in ink as well as on the pink receiving copy of the purchase order.

4. Carefully check the quality of the shipment against quality asked for on the purchase order copy. If there is any doubt as to what should be received, notify the purchasing department at once.

5. If the items received are in good condition and complete the purchase order, then the blue receiver's copy should be sent to the accounts payable department, bearing the receiver's signature and date of receipt of the complete order. This signed certification of receipt permits the prompt payment of the seller's invoice.

6. Check for price discrepancies.

<u>Warehousing Function:</u>

The purchasing agent is responsible for the warehousing, inventory control, and distribution of instructional and operating supplies. The management of supplies is no less important than buying them.

The school board operates a central warehouse for the receiving and shipping of instructional and janitorial supplies. The advantages for maintaining a warehouse for inventory is as follows:

1. Savings in supply expenditures can be achieved through infrequent, large volume orders.

2. Adequate and continuous supply of needed materials can be assured with a minimum of storage space required in the schools.

3. Adequate inspection of goods can be made on a uniform basis. Such inspection can save the district from losses due to errors in packaging, count, or quality.

4. Sufficient supply inventory records can be maintained to facilitate studies of consumption, standardization, and price trends.

5. Accountability and control over the preservation and use of supplies and equipment can be established.

6. Supplies can be made easily and quickly available to schools and administrative offices.

Inventory Control:

The purchasing agent delegates authority to the warehouse manager to see that inventory supplies are not subject to loss or administrative mismanagement. The maintenance of adequate records of supplies and equipment available for issue in the central warehouse is a prime requisite of good school business management.

Warehoused items are kept under a perpetual inventory system on computer. Such a system records a continuous tabulation of materials on hand and reflects the current status of receipts and stock issues. This system provides a good stock management device and is particularly well suited to the operation of an active warehouse. Actual physical inventory is taken once per month to make adjustments to the perpetual inventory files.

The warehouse manager uses three part delivery invoices. These are signed by the receiver and provide a record of delivery. One copy is given to the receiver, one is given to the accounts payable department, and one is filed in the central office purchasing department. The accounts payable office attaches their copy to the check voucher and purchase order.

The Ouachita Parish School System maintains fixed asset inventory records. A complete master set on inventory records is maintained at the central office. Equipment is tagged and recorded as to type, location, description, fund, vendor, cost, check number, purchase order number, and tag number. School administrators are expected to keep their records current, with appropriate forms used when equipment is added, moved, or deleted. Fixed asset records are an invaluable tool in providing permanent records of all school system equipment.

Disposal of Old Equipment:

A variety of surplus equipment may exist in the schools in which its useful service has expired or its cost of repairs can no longer be justified. The purchasing agent

should use discretion when determining one of the following ways of disposing of surplus equipment:

- Trade-in on new equipment
- Bid the sale to the public
- Negotiated sales
- Hold a public auction

The proper disposal of equipment includes accounting for all items removed from school premises. This includes the description, location, date removed, and method of disposal, tag number, and signature of supervisor/principal authorizing the disposal. All items should then be removed from the fixed asset accounting records.

Additional Information Pertaining to New Federal Guidelines

Federal Purchasing Request less than $10,000.00:

The Ouachita Parish School Board Purchasing Department follows the Louisiana Public Bid Law, R. S. 38:2212.1 for purchases less than $10,000.00. While not set as a procedure, but more in practice, the Ouachita Parish School Board Purchasing Department in most cases uses will verify competitive pricing based on a total dollar amount for a single requisition of $1,000.00, or a dollar amount of a single item of $500.00 by scanning the internet for other vendors, asking the vendor of record for a price quotation or both.

Federal Purchasing Requests greater than $10,000.00:

The Ouachita Parish School Board Purchasing Department shall use the more stringent federal regulations to obtain three written quotations when possible 2CFR 200.

Federal Purchasing Requests greater than $60,000.00:

The Ouachita Parish School Board Purchasing Department shall use the more stringent Louisiana State Bid Law requirement to place as a public bid, R.S. 38:2212.1 A. (1)(a)

Sole Source:

The Ouachita Parish School Board has adopted the provisions in Title 39 of the Revised Statutes in order to make purchases under a sole source provision.

State Contracts/GSA Contracts:

When applicable, the Ouachita Parish School Board shall use state and/or federal contracts when making purchases regardless of amount, as these types of contracts have already been through the formal bid or RFP process.

Piggyback Contracts:

This agreement is allowed by Louisiana R.S. 38:321.1, R.S. 39:1702 and R.S. 39:1708 and expounded upon by Louisiana Attorney General Opinion 89-303. Piggyback contracts cannot be used for federal purchases.

Multiple Vendors for Single Requisition:

Whenever possible the Ouachita Parish School Board Purchasing Department will take a single requisition and use multiple vendors in order to reduce cost while maintaining the integrity of the total amount of the purchase. If total savings equals $100.00/vendor or more, the single requisition will be split between two or more vendors. This process shall not be defined as "dividing a purchase to avoid legal requirements", as the total amount of the original requisition is always maintained.

New Federal Guidelines:

Implementation of the new federal procurement guidelines, 2 CFR 200 Micro Purchase Procedure, which went into effect December 26, 2014 and started with the new fiscal year of July 1, 2015 began on July 1, 2018.

The NDAA for FY 2018 increases the micro-purchase threshold to $10,000.00 and also increases the simplified acquisition threshold to $250,000.00. Purchase of materials and supplies of $30,000.00 to $59,999.99 will require at least three (3) quotations with $60,000.00 and above requiring a competitive bid process as prescribed by Louisiana State Statute R. S. 38:2212.1.

Exception – Purchase of materials and supplies on Louisiana State Contract, or those items covered by the Governor's Executive Order that are $10,000.00 and above, but less than $250,000.00 will require three (3) quotations.

Exception – Purchase of services from $10,000.00 to $250,000.00 will require three (3) quotations, or an attempt of at least three (3) quotations. When less than three (3) quotations are received, but more than one (1), and a solicitation of three (3) or more has been attempted, the purchase can be made. In the event that only one (1) solicitation meets the criteria requested then the procedure under 2 CFR 200.320 letter (f) items 1-4 shall be used, and shall be part of this handbook.

Additional Notations:

On September 12, 2017, the Ouachita Parish School Board, during its regular meeting, passed a resolution that formally adopted certain provisions of Executive Order JBE 2017-18. A copy of the resolution and the Executive order shall be made part of this handbook until a new Executive Order replaces the current Executive Order.

On May 11, 2021, the Ouachita Parish School Board, during its regular meeting, passed a resolution that formally adopted certain provisions of Executive Order JBE 2020-21. A copy of

the resolution and the Executive order shall be made part of this handbook until a new Executive Order replaces the current Executive Order. Note: The Resolution passed by the Board on September 12, 2017 states "and any other applicable executive orders subsequently issued by the Governor of the State of Louisiana." While this language should incorporate the automatic adoption of Executive Order JBE2020-21 it was determined to adopt the new Executive Order as a formality.

RESOLUTION

Resolution to adopt portions of Louisiana Procurement Code:

WHEREAS, the Ouachita Parish School Board is a political subdivision of the State of Louisiana;

WHEREAS, La. R.S. 39:1554(E) authorizes political subdivisions of the State of Louisiana to adopt all or any part of Louisiana Procurement Code as contained in Chapter 17 of Title 39 of the Louisiana Revised Statutes, and the accompanying administrative regulations as promulgated in the Louisiana Administrative Code, as well as all guidelines and policies issued by the Louisiana Division of the Administration Office of State Purchasing and any executive orders relating to the relevant sections adopted;

WHEREAS, it is necessary for the Ouachita Parish School Board's proper and efficient operation to adopt portions of Louisiana Procurement Code and the relevant portions of the Louisiana Administrative Code, as well as Executive Order JBE 2017-18 and any other applicable executive orders subsequently issued by the Governor of the State of Louisiana, for the procurement of copyrighted material, publications, repair parts, and merchandise for resale.

NOW, THEREFORE, BE IT RESOLVED, by the Ouachita Parish School Board, in regular session convened, that the Ouachita Parish School Board adopts by reference La. R.S. 39:1594(A) and La. R.S. 39:1596 for the procurement of copyrighted material, publications, repair parts, and merchandise for resale;

BE IT FURTHER RESOLVED, that the Ouachita Parish School Board adopts by reference any relevant provisions of the Louisiana Administrative Code pertaining to any procurement using the above cited provisions, as well as Executive Order JBE 2017-18;

BE IT FURTHER RESOLVED, that the policies and procedures of the Ouachita Parish School Board shall be revised to reflect the adoption of La. R.S. 39:1594(a) and 39:1596 of the Louisiana Procurement Code and all accompanying regulations, including Executive Order JBE 2017-18 and any other applicable executive orders subsequently issued by the Governor of the State of Louisiana.

Upon roll call vote, the following votes were tabulated:

__7___	__0__	___0___	___0__
Yeas	Nays	Abstentions	Absent

AND THE RESOLUTION, was declared adopted this __12th_ day of September, 2017.

Jerry R. Hicks, President

Dr. Don Coker, Superintendent

State of Louisiana

EXECUTIVE DEPARTMENT
EXECUTIVE ORDER NUMBER JBE 2017 – 18

SMALL PURCHASE PROCEDURES

WHEREAS, the Louisiana Procurement Code, in La. R.S. 39:1596, authorizes the governor to establish procedures for the procurement of small purchases with the caveat that "procurement requirements shall not be artificially divided so as to constitute a small purchase under this Section;"

WHEREAS, the Louisiana Procurement Code exempts small purchases from the competitive sealed bidding requirements of the code;

WHEREAS, Louisiana businesses are a driving force in the Louisiana economy;

WHEREAS, Executive Order No. JBE 16-39, signed July 25, 2016, established the procedure for the procurement of small purchases in accordance with the statutory guidelines of the Louisiana Procurement Code; and

WHEREAS, it is necessary to update the guidelines established in Executive Order No. JBE 16-39 through the issuance of a replacement Executive Order.

NOW THEREFORE, I, JOHN BEL EDWARDS, Governor of the State of Louisiana, by virtue of the authority vested by the Constitution and laws of the State of Louisiana, do hereby order and direct as follows:

SECTION 1: All departments, institutions, boards, commissions, budget units, and agencies of the executive branch of state government, and the officers and employees thereof, (hereafter "agency") shall observe, be guided by, and implement the specific directives on small purchase procedures set forth in this Order. This Order in no way affects or changes the purchasing authority delegated to an agency by the chief procurement officer as defined in La. R.S. 39:1556(6). No provision of this Order shall be construed as a limitation on the number of quotations to be solicited prior to making a purchase or procurement. Louisiana businesses, especially small and emerging businesses, small entrepreneurships, and veterans or service-connected disabled veteran-owned small entrepreneurships should be utilized to the greatest extent possible when soliciting prices.

SECTION 2: Unless the context clearly indicates otherwise, the words and terms used in this Order shall be defined as follows:

A. "Small purchases" means (1) any procurement of supplies or operating services not exceeding twenty-five thousand dollars ($25,000), or (2) any procurement of those items listed in Section 5 of this Order, which are exempt from the competitive sealed bidding requirements of the Louisiana Procurement Code, as provided in that Section.

B. "Certified small and emerging business" means a business certified as a small and emerging business by the Division of Small and Emerging Business Development, Department of Economic Development, in accordance with the Provisions of the Small and Emerging Business Development Program, La. R.S. 51:941 *et seq.*,

and included on the most recent list of certified small and emerging businesses issued by the Division of Certified Small and Emerging Business Development;

C. "Small Entrepreneurship" means a business certified as a small entrepreneurship by the Department of Economic Development, in accordance with the Provisions of the Louisiana Initiative for Small Entrepreneurships (Hudson Initiative), La. R.S. 39:2006;

D. "Veteran and Service-Connected Disabled Veteran-Owned Small Entrepreneurship" means a business certified as a veteran or service-connected disabled veteran-owned small entrepreneurship by the Department of Economic Development, in accordance with the provisions of the Louisiana Initiative for Veteran and Service-Connected Disabled Veteran-Owned Small Entrepreneurships (The Veteran Initiative), La. R.S. 39:2176;

E. "Authorized dealer" means a company that is authorized by the manufacturer to sell and/or provide service for its products; and

F. "Louisiana authorized dealer" means a company that satisfies the requirements of a resident business defined in La. R.S. 39:1556(47) and is authorized by the manufacturer to sell and/or provide service for its products.

SECTION 3: The following items are not subject to the procedures set forth in this Order:

A. Those items covered by an existing state contract;

B. Labor and Material contracts which exceed five thousand dollars ($5,000); and

C. Professional, personal, consulting and social (PPCS) service contracts.

SECTION 4: Except as otherwise provided in this Order, all small purchases shall be made in accordance with the following minimum procedures:

A. No competitive process is required for purchases which do not exceed five thousand dollars ($5,000) per single purchase transaction.

B. Price quotations shall be solicited from three (3) or more bona fide, qualified vendors for purchases exceeding five thousand dollars ($5,000), but not exceeding fifteen thousand dollars ($15,000).

1. Quotations may be made by telephone, facsimile, or other means and shall be awarded on the basis of the lowest responsive quotation. Whenever possible, at least one (1) of the bona fide, qualified vendors shall be a certified small and emerging business, a small entrepreneurship, or a veteran or service-connected disabled veteran-owned small entrepreneurship. Agency files shall document and list all solicited vendors and each vendor's contact person, summarize quotations received, indicate the successful vendor and state the reason why any lower quotation was rejected. Agency files should also contain written confirmation of the quotation from the successful vendor.

2. When the price is determined to be reasonable, the requirement to solicit three (3) quotations may be waived when making purchases from a small and emerging business, a small entrepreneurship, or a veteran or service-connected disabled veteran-owned small entrepreneurship that is currently certified by the Department of Economic Development. Reasonable is a best value determination based on price, delivery, service, and/or any other related factors. This determination is to be maintained in the file.

3. Soliciting three (3) quotations may be waived when purchasing from a business registered with the Secretary of State as domiciled in Louisiana. A business analysis must determine that in-state prices are equal or better than two other current price comparisons. Comparisons may include, but are not limited to, state contract prices, General Services Administration (GSA) prices, or similar resources.

Comparison documents are to be maintained in the file.

C. Price quotations shall be solicited from five (5) or more bona fide, qualified vendors for purchases exceeding fifteen thousand ($15,000) but not exceeding twenty-five thousand dollars ($25,000).

1. Quotations may be made by facsimile or written means and shall be awarded on the basis of the lowest responsive price quotation received. Whenever possible, at least two (2) of the bona fide, qualified vendors shall be certified small and emerging businesses, small entrepreneurships, or a veteran or service-connected disabled veteran-owned small entrepreneurship. Agency files shall document and list all solicited vendors and each vendor's response, summarize quotations received, indicate the awarded quotation, and state the reason why any lower quotation was rejected.
2. The requirement to solicit certified small and emerging businesses, small entrepreneurships, or veteran or service-connected disabled veteran-owned small entrepreneurships is waived for those agencies that post on LaPAC, Louisiana's internet based system for posting vendor opportunities and award information.
3. A minimum of three (3) working days shall be allowed for receipt of quotations.
4. All written or facsimile solicitations shall include the closing date, time, and all pertinent competitive specifications, including quantities, units of measure, packaging, delivery requirements, ship-to location, terms and conditions, and other information sufficient for a supplier to make an acceptable quotation. Precautionary measures shall be taken to safeguard the confidentiality of vendor responses prior to the closing time for receipt of quotations. No quotation shall be evaluated using criteria not disclosed in the solicitation.

SECTION 5: The following items are considered small purchases and may be procured in the following manner:

A. No competitive process is required for the following items:

1. Repair parts for equipment obtained from an authorized dealer. A Louisiana authorized dealer shall be used if available. This provision does not apply to the stocking of parts;
2. Equipment repairs obtained from an authorized dealer. A Louisiana authorized dealer shall be used if available;
3. Vehicle repairs not covered by a competitive state contract or the state fleet maintenance repair contract, obtained from an authorized dealer. A Louisiana authorized dealer shall be used if available;
4. Vehicle body repairs covered by insurance recovery and in accordance with insurance requirements;
5. Livestock procured at public auction or from an individual which has purebred certification approved by the Department of Agriculture and Forestry;
6. Purchasing or selling transactions between state budget units and other governmental agencies;
7. Publications and/or copyrighted materials purchased directly from the publisher or copyright holder;
8. Publications and/or copyrighted materials purchased by libraries or text rental stores from either subscription services or wholesale dealers which distribute for publishers and/or copyright holders;
9. Public utilities and services provided by local governments;
10. Prosthetic devices, implantable devices, and devices for physical restoration which are not covered by a competitive state contract;

Comparison documents are to be maintained in the file.

C. Price quotations shall be solicited from five (5) or more bona fide, qualified vendors for purchases exceeding fifteen thousand ($15,000) but not exceeding twenty-five thousand dollars ($25,000).

1. Quotations may be made by facsimile or written means and shall be awarded on the basis of the lowest responsive price quotation received. Whenever possible, at least two (2) of the bona fide, qualified vendors shall be certified small and emerging businesses, small entrepreneurships, or a veteran or service-connected disabled veteran-owned small entrepreneurship. Agency files shall document and list all solicited vendors and each vendor's response, summarize quotations received, indicate the awarded quotation, and state the reason why any lower quotation was rejected.
2. The requirement to solicit certified small and emerging businesses, small entrepreneurships, or veteran or service-connected disabled veteran-owned small entrepreneurships is waived for those agencies that post on LaPAC, Louisiana's internet based system for posting vendor opportunities and award information.
3. A minimum of three (3) working days shall be allowed for receipt of quotations.
4. All written or facsimile solicitations shall include the closing date, time, and all pertinent competitive specifications, including quantities, units of measure, packaging, delivery requirements, ship-to location, terms and conditions, and other information sufficient for a supplier to make an acceptable quotation. Precautionary measures shall be taken to safeguard the confidentiality of vendor responses prior to the closing time for receipt of quotations. No quotation shall be evaluated using criteria not disclosed in the solicitation.

SECTION 5: The following items are considered small purchases and may be procured in the following manner:

A. No competitive process is required for the following items:

1. Repair parts for equipment obtained from an authorized dealer. A Louisiana authorized dealer shall be used if available. This provision does not apply to the stocking of parts;
2. Equipment repairs obtained from an authorized dealer. A Louisiana authorized dealer shall be used if available;
3. Vehicle repairs not covered by a competitive state contract or the state fleet maintenance repair contract, obtained from an authorized dealer. A Louisiana authorized dealer shall be used if available;
4. Vehicle body repairs covered by insurance recovery and in accordance with insurance requirements;
5. Livestock procured at public auction or from an individual which has purebred certification approved by the Department of Agriculture and Forestry;
6. Purchasing or selling transactions between state budget units and other governmental agencies;
7. Publications and/or copyrighted materials purchased directly from the publisher or copyright holder;
8. Publications and/or copyrighted materials purchased by libraries or text rental stores from either subscription services or wholesale dealers which distribute for publishers and/or copyright holders;
9. Public utilities and services provided by local governments;
10. Prosthetic devices, implantable devices, and devices for physical restoration which are not covered by a competitive state contract;

26. Publication of articles, manuscripts, etc. in professional scientific, research, or educational journals/media and/or the purchase of reprints;
27. Livestock sperm and ova;
28. Royalties and license fees for use rights to intellectual property, such as but not limited to: patents, trademarks, service marks, copyrights, music, artistic works, trade secrets, industrial designs, domain names, etc.;
29. Equipment moves by the original equipment manufacturer or authorized dealer to ensure equipment operation to original equipment manufacturer specifications, calibration, warranty, etcetera, not to exceed twenty-five thousand dollars ($25,000) per transaction;
30. Mailing list rentals or purchases; and
31. Art Exhibition rentals and/or loan agreements and associated costs of curatorial fees, transportation, and installation.

B. For the following items, telephone or facsimile price quotations shall be solicited, where feasible, from at least three (3) bona fide, qualified vendors. Whenever possible, at least one (1) of the bona fide, qualified vendors shall be a certified small and emerging business, a small entrepreneurship, or a veteran or service-connected disabled veteran-owned small entrepreneurship.
1. Farm products including, but not limited to, fresh vegetables, milk, eggs, fish, or other perishable foods, when it is determined that market conditions are unstable and the competitive sealed bidding process is not conducive for obtaining the lowest prices;
2. Food, materials, and supplies needed for:
   a. Operation of boats and/or facilities in isolated localities where only limited outlets of such supplies are available and the cost of the food, materials, and supplies do not exceed twenty-five thousand dollars ($25,000); and/or
   b. Juvenile detention homes and rehabilitation facilities/homes where the number of inmates, students, or clients is unstable and unpredictable;
3. Convention and meeting facilities including security services if applicable, provided that any associated food or lodging must be in accordance with Policy & Procedure Memorandum No. 49 – General Travel Regulations;
4. Gasoline and fuel purchases not exceeding twenty-five thousand dollars ($25,000);
5. Equipment for blind operated facilities not covered by competitive state contract;
6. Livestock feed commodities, including but not limited to soybean meal, cottonseed meal, and oats not exceeding twenty-five thousand dollars ($25,000);
7. Seed commodities, including but not limited to rye grass, soybean seed, corn seed, cotton seed, etc. as well as related fertilizers, herbicides, insecticides, and fungicides when not covered by competitive state contract;
8. FAA PMA approved aircraft parts and/or repairs, inspections, and modifications performed by an FAA-certified mechanic and/or at an FAA certified repair station in accordance with FAA requirements with approval by the head of the agency or head of Office of Aircraft Services, Division of Administration; and
9. Air and bus charters in accordance with PPM 49, including group travel that does not qualify for commercial rates available to individual travelers.

SECTION 6: In the absence of a good faith business basis, no purchase or procurement shall be artificially divided within a cost center, or its equivalent, to avoid the competitive process or the solicitation of competitive sealed bids.

SECTION 7: All departments, commissions, boards, offices, entities, agencies, and officers of the state of Louisiana, or any political subdivision thereof, are authorized and directed to cooperate in the implementation of this Order.

SECTION 8: Executive Order No. JBE 16-39 is hereby rescinded.

SECTION 9: This Order is effective upon signature and shall continue in effect until amended, modified, terminated, or rescinded by the Governor, or terminated by operation of law.

IN WITNESS WHEREOF, I have set my hand officially and caused to be affixed the Great Seal of Louisiana, at the Capitol, in the City of Baton Rouge, on this 31st day of July, 2017.

GOVERNOR OF LOUISIANA

ATTEST BY
THE GOVERNOR

SECRETARY OF STATE

RESOLUTION

Resolution to adopt portions of Louisiana Procurement Code:

WHEREAS, the Ouachita Parish School Board is a political subdivision of the State of Louisiana;

WHEREAS, La. R.S. 39:1554(E) authorizes political subdivisions of the State of Louisiana to adopt all or any part of Louisiana Procurement Code as contained in Chapter 17 of Title 39 of the Louisiana Revised Statutes, and the accompanying administrative regulations as promulgated in the Louisiana Administrative Code, as well as all guidelines and policies issued by the Louisiana Division of the Administration Office of State Purchasing and any executive orders relating to the relevant sections adopted;

WHEREAS, it is necessary for the Ouachita Parish School Board's proper and efficient operation to adopt portions of Louisiana Procurement Code and the relevant portions of the Louisiana Administrative Code, as well as Executive Order JBE 2020-21 and any other applicable executive orders subsequently issued by the Governor of the State of Louisiana, for the procurement of copyrighted material, publications, repair parts, and merchandise for resale.

NOW, THEREFORE, BE IT RESOLVED, by the Ouachita Parish School Board, in regular session convened, that the Ouachita Parish School Board adopts by reference La. R.S. 39:1594(A) and La. R.S. 39:1596 for the procurement of copyrighted material, publications, repair parts, and merchandise for resale;

BE IT FURTHER RESOLVED, that the Ouachita Parish School Board adopts by reference any relevant provisions of the Louisiana Administrative Code pertaining to any procurement using the above cited provisions, as well as Executive Order JBE 2020-21;

BE IT FURTHER RESOLVED, that the policies and procedures of the Ouachita Parish School Board shall be revised to reflect the adoption of La. R.S. 39:1594(a) and 39:1596 of the Louisiana Procurement Code and all accompanying regulations, including Executive Order JBE 2020-21 and any other applicable executive orders subsequently issued by the Governor of the State of Louisiana.

Upon roll call vote, the following votes were tabulated:

6	0	0	0	1
Yeas	Nays	Abstentions	Absent	Not Voting*

AND THE RESOLUTION, was declared adopted this 11th day of May 2021.

*President Jerry Hicks did not vote due to omission during roll call vote.

Jerry R. Hicks, President

Dr. Don Coker, Superintendent

State of Louisiana

EXECUTIVE DEPARTMENT
EXECUTIVE ORDER NUMBER JBE 2020 – 21

SMALL PURCHASE PROCEDURES

WHEREAS, the Louisiana Procurement Code, in R.S. 39:1596, authorizes the governor to establish procedures for the procurement of small purchases with the caveat that "procurement requirements shall not be artificially divided so as to constitute a small purchase under this Section";

WHEREAS, the Louisiana Procurement Code exempts small purchases from the competitive sealed bidding requirements of the code;

WHEREAS, Louisiana businesses are a driving force in the Louisiana economy;

WHEREAS, Executive Order No. JBE 17-18, signed July 31, 2017, established the procedure for the procurement of small purchases in accordance with the statutory guidelines of the Louisiana Procurement Code; and

WHEREAS, it is necessary to update the guidelines established in Executive Order Number JBE 17-18 through the issuance of a replacement executive order.

NOW THEREFORE I, JOHN BEL EDWARDS, Governor of the State of Louisiana, by virtue of the authority vested by the Constitution and laws of the State of Louisiana, do hereby order and direct as follows:

SECTION 1: All departments, institutions, boards, commissions, budget units, and agencies of the executive branch of state government, and the officers and employees thereof, (hereafter "agency") shall observe, be guided by, and implement the specific directives on small purchase procedures set forth in this Order. This Order in no way affects or changes the purchasing authority delegated to an agency by the chief procurement officer as defined in R.S. 39:1556. No provision of this Order shall be construed as a limitation on the number of quotations to be solicited prior to making a purchase or procurement. Louisiana businesses. especially certified small entrepreneurships and certified veteran-owned small entrepreneurships should be utilized to the greatest extent possible when soliciting prices.

SECTION 2: Unless the context clearly indicates otherwise, the words and terms used in this Order shall be defined as follows:

A. "Small purchases" means (1) any procurement of supplies or operating services not exceeding thirty thousand dollars ($30,000), or (2) any procurement of those items listed in Section 5 of this Order, which are exempt from the competitive sealed bidding requirements of the Louisiana Procurement Code, as provided in that Section.

B. "Small Entrepreneurship" means a business currently certified as a small entrepreneurship by the Department of Economic Development, in accordance with the Provisions of the Louisiana Initiative for Small Entrepreneurships (Hudson Initiative), R.S. 39:2006; or a business currently certified as a small and emerging business by the Department of Economic Development, in accordance with the Provisions of the Small and Emerging Business Development Program, R.S. 51:941, *et seq.*;

C. "Veteran-Owned Small Entrepreneurship" means a business currently certified as a veteran or service-connected disabled veteran-owned small entrepreneurship by the Department of Economic Development, in accordance with the provisions of the Louisiana Initiative for Veteran and Service-Connected Disabled Veteran-Owned Small Entrepreneurships (The Veteran Initiative), R.S. 39:2176;

D. "Authorized dealer" means a company that is specifically authorized by the manufacturer to sell and/or provide service for its products; and

E. "Louisiana authorized dealer" means a company that satisfies the requirements of a resident business as defined in R.S. 39:1556 and is specifically authorized by the manufacturer to sell and/or provide service for its products.

SECTION 3: The following items are not subject to the procedures set forth in this Order:

A. Those items covered by an existing state contract;

B. Labor and Material contracts which exceed ten thousand dollars ($10,000); and

C. Professional, personal, consulting and social (PPCS) service contracts.

SECTION 4: Except as otherwise provided in this Order, all small purchases shall be made in accordance with the following minimum procedures:

A. No competitive process is required for purchases not exceeding ten thousand dollars ($10,000) per single purchase transaction.

B. Price quotations shall be solicited from three (3) or more bona fide, qualified vendors for purchases exceeding ten thousand dollars ($10,000) but not exceeding twenty thousand dollars ($20,000).

1. Quotations may be made by telephone, facsimile, written, or other means and shall be awarded on the basis of the lowest responsive quotation. Whenever possible, at least one (1) of the bona fide, qualified vendors shall be a certified small entrepreneurship or a certified veteran-owned small entrepreneurship. Agency files shall document and list all solicited vendors and each vendor's contact person, summarize quotations received, indicate the successful vendor and state the reason why any lower quotation was rejected. Agency files should also contain written confirmation of the quotation from the successful vendor.
2. When the price is determined to be reasonable, the requirement to solicit three (3) quotations may be waived when purchasing from a certified small entrepreneurship or a certified veteran-owned small entrepreneurship. Reasonable is a best-value determination based on price, delivery, service, and/or any other related factors. This determination is to be maintained in the file.
3. The requirement to solicit at least one (1) certified small entrepreneurship or certified veteran-owned small entrepreneurship is waived for procurements posted on LaPAC, Louisiana's internet based system for posting vendor opportunities and award information.

C. Price quotations shall be solicited from five (5) or more bona fide, qualified vendors for purchases exceeding twenty thousand ($20,000) but not exceeding thirty thousand dollars ($30,000).

1. Quotations may be made by facsimile or written means and shall be awarded on the basis of the lowest responsive price quotation received. Whenever possible, at least two (2) of the bona fide, qualified vendors shall be certified small entrepreneurships or certified veteran-owned small entrepreneurships. Agency files shall document and list all solicited vendors and each vendor's response, summarize quotations received, indicate the awarded quotation, and state the reason why any lower quotation was rejected.

2. When the price is determined to be reasonable, the requirement to solicit five (5) quotations may be waived when purchasing from a certified small entrepreneurship or a certified veteran-owned small entrepreneurship. Reasonable is a best-value determination based on price, delivery, service, and/or any other related factors. This determination is to be maintained in the file.
3. The requirement to solicit at least two (2) certified small entrepreneurships or certified veteran-owned small entrepreneurships is waived for procurements posted on LaPAC, Louisiana's internet based system for posting vendor opportunities and award information.
4. A minimum of three (3) working days shall be allowed for receipt of quotations.
5. All written or facsimile solicitations shall include the closing date, time, and all pertinent competitive specifications, including quantities, units of measure, packaging, delivery requirements, ship-to location, terms and conditions, and other information sufficient for a supplier to make an acceptable quotation. Precautionary measures shall be taken to safeguard the confidentiality of vendor responses prior to the closing time for receipt of quotations. No quotation shall be evaluated using criteria not disclosed in the solicitation.

SECTION 5: The following items are considered small purchases and may be procured in the following manner:

A. No competitive process is required for the following items:
1. Repair parts for equipment obtained from the original equipment manufacturer or an authorized dealer. A Louisiana authorized dealer shall be used if practicable. This provision does not apply to the stocking of parts;
2. Equipment repairs obtained from the original equipment manufacturer or an authorized dealer. A Louisiana authorized dealer shall be used if practicable;
3. Vehicle repairs not covered by a competitive state contract or the state fleet maintenance repair contract. obtained from an authorized dealer. A Louisiana authorized dealer shall be used if practicable.
4. Vehicle body repairs covered by insurance recovery and in accordance with insurance requirements;
5. Livestock procured at public auction or from an individual which has purebred certification approved by the Department of Agriculture & Forestry;
6. Purchasing or selling transactions between state budget units and other governmental agencies;
7. Publications, including electronic publications and subscriptions, and/or copyrighted materials purchased directly from the publisher or copyright holder;
8. Publications and/or copyrighted materials purchased by libraries or text rental stores from either subscription services or wholesale dealers which distribute for publishers and/or copyright holders;
9. Public utilities and services provided by local governments;
10. Prosthetic devices, implantable devices, and devices for physical restoration which are not covered by a competitive state contract;
11. Non-customized training, including educational instructor fees, and related resources (except equipment) used to enhance the performance of state employees and good standing of state agencies, including memberships in and accreditations by professional societies and organizations;

12. Procurements for clients of blind and vocational rehabilitation programs not covered by competitive state contract which are federally funded at a rate of at least 78.7%, regulated by Title 34, Parts 361, 365, 370, and 395 of the Code of Federal Regulations, and in accordance with OMB Circular A-102;
13. Materials, supplies, exhibitor fees, and exhibit booths for conferences, seminars, and workshops, or similar events (business, educational, promotional, cultural, etc.) for participation in promotional activities which enhance economic development or further the department's mission, duties and/or functions, with the approval of the department secretary, or agency equivalent, if not covered by competitive state contract;
14. Wire, related equipment, time and material charges to accomplish repairs, adds, moves, and/or changes to telecommunications systems not exceeding two thousand five hundred dollars ($2,500);
15. Working class animals trained to perform special tasks, including but not limited to, narcotics detection, bomb detection, arson investigation, and rescue techniques;
16. Food, materials, and supplies for teaching and per course training not exceeding thirty thousand dollars ($30,000) where the purchasing, preparing, and serving of food are part of the regularly prescribed course;
17. Renewal of termite service contracts;
18. Purchase of supplies, operating services, or equipment for Louisiana Rehabilitation Services, Traumatic Head and Spinal Cord Injury Trust Fund Program. Although competitive bidding is not required under this paragraph, whenever practicable, three (3) quotations from bona fide, qualified vendors should be obtained. Whenever possible, at least one (1) of the bona fide, qualified vendors shall be a certified small entrepreneurship or a certified veteran-owned small entrepreneurship;
19. Purchasing of clothing at retail necessary to individualize clients at state developmental centers in compliance with Federal Regulations for ICF/MR facilities;
20. Health insurance for the managers of Randolph-Sheppard programs, as defined by 20 U.S.C. §107, et seq., and paid from income generated by unmanned vending locations;
21. Purchases made to resell as part of a merchandising program with the written approval on file from the secretary of the department, or agency equivalent, when it is not practical or feasible to obtain competitive price quotations;
22. Commercial Internet Service not exceeding one thousand five hundred dollars ($1,500) per subscription per year;
23. Advertising, where permitted by law and the head of an agency or designee certifies that specific media is required to reach targeted audiences;
24. Scientific and laboratory supplies and equipment when procured by colleges and universities for laboratory or scientific research not to exceed thirty thousand dollars ($30,000) per transaction;
25. Publication of articles, manuscripts, etc. in professional scientific, research, or educational journals/media and/or the purchase of reprints not;
26. Livestock sperm and ova;
27. Royalties and license fees for use rights to intellectual property, such as but not limited to: patents, trademarks, service marks, copyrights, music, artistic works, trade secrets, industrial designs, domain names, etc.;

28. Equipment moves by the original equipment manufacturer or authorized dealer to ensure equipment operation to original equipment manufacturer specifications, calibration, warranty, etc. not to exceed thirty thousand dollars ($30,000) per transaction;
29. Mailing list rentals or purchases;
30. Art Exhibition rentals and/or loan agreements and associated costs of curatorial fees, transportation, and installation;
31. Registered breeding stock whose purchase price and quality has been approved by the Commissioner of Agriculture and Forestry and a specialist of Louisiana State University to be designated by the head of the College of Agriculture; and
32. Other livestock whose purchase price and quality has been approved by the Commissioner of Agriculture and Forestry, provided that the cost per head does not exceed $1,500.

B. For the following items, when the purchase is in excess of the limit prescribed by Subsection 4.A of this Order, telephone, written, or facsimile price quotations shall be solicited, where feasible, from at least three (3) bona fide, qualified vendors. Whenever possible, at least one (1) of the bona fide, qualified vendors shall be a certified small entrepreneurship or a certified veteran-owned small entrepreneurship.
1. Farm products including, but not limited to, fresh vegetables, milk, eggs, fish, or other perishable foods, when it is determined that market conditions are unstable and the competitive sealed bidding process is not conducive for obtaining the lowest prices;
2. Food, materials, and supplies needed for:
   a. Operation of boats and/or facilities in isolated localities where only limited outlets of such supplies are available and the cost of the food, materials, and supplies do not exceed thirty thousand dollars ($30,000); and/or
   b. Juvenile detention homes and rehabilitation facilities/homes where the number of inmates, students, or clients is unstable and unpredictable;
3. Convention and meeting facilities including security services if applicable, provided that any associated food or lodging must be in accordance with Policy & Procedure Memorandum No. 49 – General Travel Regulations;
4. Gasoline and fuel purchases not covered by competitive state contract;
5. Equipment for blind operated facilities not covered by competitive state contract;
6. Livestock feed commodities, including but not limited to soybean meal, cottonseed meal, and oats not exceeding thirty thousand dollars ($30,000);
7. Seed commodities, including but not limited to rye grass, soybean seed, corn seed, cotton seed, etc. as well as related fertilizers, herbicides, insecticides, and fungicides when not covered by competitive state contract;
8. FAA PMA approved aircraft parts and/or repairs, inspections, and modifications performed by an FAA-certified mechanic and/or at an FAA certified repair station in accordance with FAA requirements with approval by the head of the agency or head of Office of Aircraft Services, Division of Administration;
9. Air and bus charters in accordance with PPM 49, including group travel that does not qualify for commercial rates available to individual travelers.

SECTION 6: In the absence of a good faith business basis, no purchase or procurement shall be artificially divided within a cost center, or its equivalent, to avoid the competitive process or the solicitation of competitive sealed bids.

SECTION 7: All departments, commissions, boards, offices, entities, agencies, and officers of the state of Louisiana, or any political subdivision thereof, are authorized and directed to cooperate in the implementation of this Order.

SECTION 8: Executive Order Number JBE 17-18 is hereby rescinded.

SECTION 9: This Order is effective upon signature and shall continue in effect until amended, modified, terminated, or rescinded by the governor, or terminated by operation of law.

IN WITNESS WHEREOF, I have set my hand officially and caused to be affixed the Great Seal of the State of Louisiana in the City of Baton Rouge, on this 9th day of November, 2020.

GOVERNOR OF LOUISIANA

ATTEST BY THE SECRETARY OF STATE

SECRETARY OF STATE

ADDITIONAL NOTES

C.F.R. 200.320 (a) (2) (i) Small Purchase Procedures:

In the case of services and/or site licenses the Ouachita Parish School Board deems an adequate number of qualified sources to be at least two (2) vendors. This is in keeping with the language of the *Small Purchase Procedures*, as the determination of and adequate number of qualified sources is left up to the non-Federal entity.

Procedure to Sell Timber:

When selling timber the following must be done prior to putting the timber out for bid:

1) Board must approve the sale
2) Must advertise a minimum of three (3) times in the official journal with bids being opened not less than thirty (30) days from the date of the first advertisement.
3) In the case the sixteenth sections located in townships which extend into two parishes, such timber sales shall be made by joint action of the school boards of the two parishes, after public notice, as provided, in the official journal of both parishes. (RS 41:717)