

San Bernardino County Superintendent of Schools Policy 3312

Contracts

The San Bernardino County Superintendent of Schools may enter into contracts to provide or receive supplies, equipment or services for the operation of San Bernardino County Superintendent of Schools programs and for other services required by students, teachers, or staff.

All contracts between the San Bernardino County Superintendent of Schools and outside agencies shall conform to standards required by law and shall be prepared under the direction of the Chief Business Officer. Contracts must be approved prior to services being rendered. The San Bernardino County Superintendent of Schools shall not enter into any contract with a person, agency, or organization if it has knowledge that such person, agency, or organization discriminates on the basis of race, color, creed, sex, religion, ancestry, national origin, age, or non job-related handicap or disability, either in employment practices or in the provision of benefits or services to students or employees.

Contracts can be in the form of an agreement signed by both parties or a purchase order.

Types of Contracts

1. Consultant/Independent Contractor

A consultant contract, as described herein, does not include contracts with companies or other firms which provide a product or service of the type normally obtained through a bid, quotation, or request for proposal process. Government agencies follow common law rules in determining whether a worker is an independent contractor or an employee. The law provides for the use of consultants/independent contractors when it is clear they can provide valuable and necessary specialized services not normally required on a continuing basis and which cannot be provided by other personnel because of experience or knowledge. Independent contractors cannot be hired due to a lack of employees to complete a required project or to administer a project for which the Superintendent has received funding and accepted responsibility.

A consultant/independent contractor works under a contract signed by both parties. Payments are based on invoice(s) submitted by the contractor and paid according to fiscal procedures. The San Bernardino County Superintendent of Schools does not take deductions for income tax, social security or other normal payroll deductions. Money paid to the consultant/independent contractor is reported to the IRS by the San Bernardino County Superintendent of Schools on a Form 1099.

2. Service Contracts

Service contracts may include but are not limited to catering, training, maintenance, security, transportation, courier, and others as deemed necessary by Procurement and Warehouse Services.

3. Supply/Equipment

A contract will be necessary and is included in the bid process for any supply or equipment if the purchase price exceeds the current bid limit (Public Contract Code §20111). Contact Procurement and Warehouse Services for current bid limits.

4. Public Works

A contract will be necessary for any public works project performed that exceeds the current bid limit (Public Contract Code §20111).

5. Commercial Leases

A contract will be necessary for commercial leases. Commercial leases are initiated by Facilities Planning and Construction.

6. Classroom Leases

A contract is necessary for classroom leases. Classroom leases are initiated by the Student Services Branch.

7. Real Property

The lease, purchase, or sale of real property is approved by the San Bernardino County Board of Education. Upon approval, an escrow or other type of contract will be executed.

Limits

A purchase order in lieu of a contract will be developed and executed for procurement of services valued up to \$10,000, unless required as specified above. Purchase orders will be signed by the designated authorized agent in accordance with corresponding dollar limits.

A formal written contract will be executed for contracts for services that exceed \$10,000. This includes all state and federal grant-funded projects. All contracts, where appropriate, shall be submitted to the legal advisor of the San Bernardino County Superintendent of Schools for review as to form. All contracts shall be signed by the designated authorized agent in accordance with corresponding dollar limits.

Procurement and Warehouse Services reserves the right to require a written contract for services, regardless of the amount.

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Date Approved	
Ted Alejandre County Superintendent of Schools San Bernardino County, California	
By	