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	Effective Date:	July 1, 2024
	Supersedes	7/1/2021 7/1/2018
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Approved by

Dated

Based on Mesa County Valley School District 51 Board Policy DJB – Purchasing Procedures and DJE – Bidding Requirements and Procedures, authority for the purchase of supplies, equipment and services is extended to the Superintendent through the budget-making process and approved by the Board through its adoption of the annual operating budget.

District 51 Purchasing Procedures are based on Board of Education policies, Colorado Public Schools Financial Policies and Procedures, Colorado State Statutes, as well as local, and federal laws.

The centralized purchasing department is maintained under the direction of the Superintendent or designee. The Director of Purchasing and Warehouse Services is delegated the responsibility to ensure that the purchasing procedures are maintained, understood and followed. The Director of Purchasing and Warehouse Services is authorized to give signature approval to all purchase orders and contracts that are reoccurring on an annual basis and listed in the general operating budget, approved by the BOE. All contracts over \$25,000 *not listed in the general operating budget*, require the approval of the BOE. All contracts for the purchase or sale of land and the lease of real property shall be approved by the Board of Education.

The Superintendent has delegated authorization to obtain small purchases under \$2,500 to certain District 51 personnel through petty cash, restricted checks, direct pay transactions, and the Purchasing Card Program except for those materials designated as hazardous by the District Environmental Health and Safety Specialist.

All non-exempt procurements over \$2,500 shall be obtained through requisitions sent to the Purchasing Department using the Business Plus system. Purchasing will obtain products or services using the appropriate method required based on dollar value. Applicable terms and conditions are required to accompany all purchases over \$2,500 to minimize risk to the District.

All requisitions in the amount of \$25,000 or more require formal competition, e.g. written quotations, invitation for bids or request for proposals unless the Board of Education expressly waives application of this policy.

Professional services [i.e. architect, engineering, physicians, lawyers, etc.] are exempt from competition, but formal contracts or agreements are required and prices shall be negotiated.

Textbooks and other instructional materials only available from one source are exempt from competition, but not exempt from being obtained through the requisition/purchase order process.

Procurement Authority

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The procurement function is split as follows:

WHO	DETERMINATION
Responsible Budget Holder	What is needed and when and budget limit
Purchasing Department	From whom and how much
Receiving	What is actually delivered
Accounts Payable	Pays

Procurement Signature Authority

CONTRACTUAL DOCUMENT	WHO	LEVEL
Any Purchase made without a Purchase Order	Responsible Budget Holder	Under \$2,500
Purchase Card Transaction	Cardholder	\$2,500 or as designated by Director of Purchasing
Purchase Orders and Contracts	Sr. Buyers and Buyers	Under \$250,000
Purchase Orders and Contracts	Director of Purchasing	Over \$250,000
Leases and Maintenance Agreements – One Year or Less	Director of Purchasing	Any amount (budget holder must show proof of budget approval)
Leases and contracts to buy or sell real estate	Board of Education	Any Amount
Independent Contractor, MOU and IGA Agreements	Director of Purchasing	Under \$25,000*
Independent Contractor, MOU, IGA Agreements – Multi-Year	BOE	Over \$25,000*
Construction Contracts	Director of Maintenance	Under \$50,000*
Construction Contracts	BOE	Over \$50,000*
Service or Construction Contracts Requiring Bonds	BOE	Over \$50,000*
Service or Construction Contracts Requiring Bonds	Director of Purchasing	Under \$50,000

*Contracts, Intergovernmental Agreements and Memorandums of Understanding reoccurring on an annual basis and listed in the general operating budget, approved by the Board, need not be reapproved by the Board annually, unless such agreements have changes in the terms of the agreement which result in a financial commitment increase of 5% or more.

REFERENCE:

Board of Education Policy No. DJB, DAB, AND DJE

Title: Purchasing Systems and Methods	Procedure No.:	PO-02
	Effective Date:	April 2023
	Supersedes Procedure Dated	7/1/2018 10/8/2012
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The spending of Mesa County Valley District 51 funds that are obtained through local and state taxation, bonds and state and federal grants (appropriated funds) is controlled through Board of Education regulations, policies and procedures, as well as Colorado state statutes and federal acquisition regulations and laws. The District purchasing procedures are based on these edicts and are designed to ensure adequate competition and to obtain the best overall value for the District.

Purchases under \$2,500 (Small Purchases)

All supplies, equipment and services over \$2,500 must be requisitioned and purchased through the District centralized purchasing department. Refer to purchasing procedure Requisition Purchase Order Process – PO-03 for additional guidelines.

All material determined to be hazardous by the District Environmental Health and Safety Specialist regardless of value must be ordered through the requisition purchase order process. Refer to purchasing procedure Hazardous Materials – PO-08 for additional guidelines.

An unauthorized commitment is a purchase over \$2,500 made by a District employee lacking procurement authority. A constructive change is any action by an unauthorized District employee that has the effect of requiring a contractor to perform work different from that prescribed by the original statement of work, and results in an equitable monetary adjustment for the contractor.

An unauthorized procurement is either an unauthorized commitment or constructive change. An unauthorized procurement requires ratification. Ratification is after-the-fact management approval of an unauthorized procurement. Refer to purchasing procedure Ratifications – PO-11 for additional guidelines.

Purchases under \$2,500 can be obtained through the purchasing card program, restricted checks or through the direct pay process. Refer to District purchasing procedure Purchase Card Program – PO-06 for additional guidelines.

The purchasing department, based on the following thresholds will accomplish purchases over \$2,500:

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\$2,500 to \$4,999

Purchasing or end user will obtain two or more informal quotations or obtain the requirement through state agreements or cooperatives. Payment methods: Purchase Order, or purchasing card/Direct Pay with Purchasing’s written approval.

\$5000 to \$25,000

Purchasing or end user will obtain two or more informal quotations or obtain the requirement through state/cooperative agreements. Formal invitation for bid or request for proposal may be used depending on the complexity of the requirement. Payment Method: Purchase Order only.

\$25,000 and Over

The requirements will be obtained using formal invitation for bid or request for proposal. Payment Method: Purchase Order only.

Construction

Construction will be handled in accordance with Board of Education Policy FEG/FEGB. Refer to purchasing procedure Construction, Bonds and Insurance – PO-14 for additional guidelines.

Equipment Rental and Leases

Requisitions are required for all equipment rentals and leases. No one is authorized to sign leases except the Director of Purchasing, Chief Operations Officer, Superintendent, and/or the BOE. Refer to purchasing procedure Equipment Rental and Leases – PO-17 for additional guidelines.

Warranties

The department responsible for the equipment shall record and track warranties on new equipment so that full advantage is taken of the new equipment warranty provisions. When sending out equipment for warranty repair or exchange requisitions shall be entered into the system, referencing the purchase order number that the equipment was purchased against. The equipment shall be sent to the warehouse and the warehouse shall return the equipment to the manufacturer so that return and receipt of the item is recorded.

Exemptions

The following items are exempt from competition, but not exempt from being obtained through the requisition purchase order process in order to ensure that appropriate terms and conditions are incorporated to minimize risk to the District. The purchasing department must also ensure that appropriate information is obtained such as tax identification numbers, and to ensure that the funds are available:

- Textbooks and other instructional materials only obtainable from one source
- Software license
- Maintenance agreements
- Original Equipment Manufacture (OEM) repair and replacement parts

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Documented emergency requirements

Valid and documented sole source purchases or those that have written Board exemption

If sole source justification for non-competitive purchases in excess of \$2,500, or justification for emergency purchase is received from the requester, the Director of Purchasing will approve if adequate justification is provided. Refer to purchasing procedure Non-Competitive Purchases – PO-09, and Emergency Purchases – PO-10 for additional guidelines.

Multiple Fiscal Year Obligations

In accordance with Article X, Section 20(4)(b) of the Colorado Constitution, no purchase order, contract, agreement, lease, or any other document shall create nor be construed to create any multiple-fiscal year direct or indirect District 51 debt or other financial obligation whatsoever. All District 51 financial obligations are dependent upon the continuing availability and appropriation of funds (including per pupil funding for Program students from the State of Colorado) beyond the terms of each current fiscal period ending upon the next succeeding June 30, and that financial obligations payable after the current fiscal year are contingent upon funds for that purpose being appropriated, budgeted and otherwise made available.

Any commitment that is dependent on appropriated funds beyond the initial year in which the commitment is created must be approved by the Board of Education, if non-reoccurring or not listed in General Operating Budget.

REFERENCE:

Board of Education Policy No. DJB, DAB, AND DJE

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A purchase requisition shall be entered into the Integrated Financial and Administrative Solution (IFAS) system with all necessary data e.g. quantity, description/statement of work, estimated price, etc. as soon as an acquisition is anticipated. Any applicable documentation shall be sent in at the same time. The IFAS generated purchase requisition with the validated accounting code shall be the authority for all acquisitions performed by the District purchasing department.

A trained transmitter within the requestor’s school, building or department shall submit requisitions electronically through the IFAS system. The requisitioning department is responsible for maintaining hard copies of any necessary approvals obtained for their required records.

There are several types of services that do not require a purchase order for payment. These types of obligations shall be paid through either the restricted check method for goods or services under \$2,500, direct payment transactions for goods or services less than \$2,500, or Pcard for goods and services less than \$2,500. In addition, there are certain types of obligations that are to be paid through the direct payment or purchasing card process that have not been solicited through the purchasing department and do not have a District 51 contract/purchase order number assigned because that do not require competition or purchase orders for payment. Examples are:

- | | |
|-----------------------------------|-------------------------------------------|
| Architects | Membership Fees |
| Association fees | Newspaper advertisements |
| Athletic officials | Non-Employee payments |
| Beverage SBA allotment | One-time legal fees |
| Charter bus services | Other School Districts/Govt Agencies |
| City, State or Federal government | Performing artist |
| Disk jockeys | Physical therapists |
| Doctors or clinics | Piano tuner |
| Engineers | Security guards |
| Field Trips | Seminar leader |
| Fund raising activities | Tax assessments |
| General contributions | Television or radio stations |
| Guest lecturers | Travel and Registration |
| Honorariums | Tuition |
| Insurance payments | Utilities (gas, electric, telephone ,etc) |
| Medical Benefits | Yearbooks |

If you are not sure how a payment should be handled, contact the Purchasing Department for guidance.

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REQUESTER RESPONSIBILITY

The first source of supply for material is warehouse excess property and warehouse inventory stock. It is the requester's responsibility to determine if the needed material is available through these sources prior to entering a purchase requisition.

Blanket purchase orders

Blanket purchase orders are established by certain buildings and departments for certain off-the-shelf, high-volume, low dollar value items and/or services. Competitive pricing based on lowest discount off list price, or cost plus pricing as well as level of service shall be established for a base period of no less than one year, and some blanket purchase orders may have unilateral options to renew.

Requesters shall check to see if there is a blanket purchase order established by their department for items or services with a particular vendor before entering a requisition. Established blanket purchase orders are to be used for all items, regardless of price, when a blanket has been set-up with specific vendors for specific types of items. Refer to purchasing procedure Blanket purchase orders – PO-05 for further guidance.

Attachments

It is the responsibility of the requestor to obtain all required reviews and approvals and to attach, or incorporate into the requisition, all essential documents to the requisition prior to submission to the purchasing department. These attachments may include Quotes, Application for Exemption from competition, contract, data sheets, drawings, statements of work, specifications, etc., as necessary to ensure that a correct purchase will be made and are within budgetary limits.

Completeness

The requester shall describe the item or service required to permit purchase by competitive means. Completeness of the requisition, including the description of the item, a cost estimate, name or names of recommended supplier(s) as available, quantity, required by date, is the responsibility of the requester. Unnecessarily restrictive specifications or requirements that might unduly limit competition shall be avoided.

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Timeliness

The time required for the acquisition process is based on dollar value as well as complexity of the acquisition. Acquisitions within the threshold calling for formal solicitation require a considerable amount of time. For example, based on state statutes minimum time for a bid opening date is 14 calendar days after mailing or posting the solicitation. Request for Proposals for services and/or construction also need time for developing a statement of work and evaluation criteria. Construction and services requiring bonds must be scheduled for Board approval adding several days to the process.

The average purchasing department lead times from receipt of a complete and correct requisition, including attachments, to purchase order or contract award is as follows:

ITEM	ESTIMATED COST	TIME (Working Days)
Commercial items readily available	Under \$5,000	2 – 3
Blanket purchase order Releases (Commodities)		2 – 3
Services	Under \$5,000	5 – 7
Services and Construction	Over \$5,000 and under \$10,000	7 – 10
Service and Construction	Over \$10,000 and under \$50,000	30 – 45
Service and Construction	Over \$50,000	60
Major, complex Service or Equipment purchases	Competitive	60 – 90
Task Order Releases (Construction of Service)		7 – 14

The requisition shall be submitted in sufficient time before the date needed to enable prospective offerors/bidders to prepare and submit responses to the solicitations and also for the buyer to obtain any required management or customer approvals for award.

As soon as possible after the need for a requirement that is a large dollar or complex acquisition has been identified, the requester shall initiate planning/coordination with the purchasing department. Complete procurement data may or may not be available at this early stage, but sufficient data shall be made available to permit discussion and coordination, with the object of generating a procurement strategy.

Cost Estimates

A cost estimate, or a not-to-exceed amount shall be provided on all requisitions to support the budget limit. The requester may contact vendors to obtain estimates as long as no verbal commitments are given to the vendor. The requisition shall state the basis of the estimate, such as published prices, prices of recent similar purchases, or include an explanation of how the estimate was determined.

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Sole-Source/Noncompetitive Requests

It is District policy and required by Board policy to maximize competition in contracting, including all purchases, except those the Board has determined as exempt. Sole-source procurement actions require special justification to be submitted with the requisition. Refer to purchasing procedure Non-Competitive Purchases – PO-09 for instructions with regard to justification requirements.

Combining or Splitting Requisitions

Combining requisitions is the practice of grouping items from more than one requisition for inclusion on a single purchase order to a single supplier.

Requisitions for parts, supplies, equipment items, etc. of a similar nature may be grouped whenever this action will result in improved competitive bidding and/or negotiation of more economical pricing. In addition, grouping such items on a single purchase order will result in a substantial reduction of administrative costs.

Splitting a requisition is the practice of removing a portion of that potential commitment for individual consideration. No splitting of requirements shall be made to circumvent approval dollar thresholds.

A single line item requisition will not be split for more than one supplier unless some obvious advantage to the District is obtained; e.g., improved delivery because no supplier has the entire quantity in stock.

Requisitions shall not be combined if such action will delay the delivery of material past the verified need date of the requester.

If there is an immediate need for an acquisition accommodation will be made and the purchasing department will expedite the requisition/purchasing process to accommodate. Refer to purchasing procedure Emergency Purchases – PO-10 for additional guidance.

Hazardous Materials

As a rule of thumb, any liquid, powder or paste materials will require Material Safety Data Sheets (MSDS). The requestor must be aware of the products he/she is procuring and using, including safe handling procedures, storage requirements, and personal protection needed. Additionally, materials requiring MSDS must be tracked, and the District Health and Safety Specialist must approve a MSDS. If the requester is calling potential vendors for available products, product specifications, cost estimates, etc., ask the vendor if a MSDS is mandatory or available. Refer to purchasing procedure Hazardous Materials – PO-08 for further guidance.

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Approvals

It is the responsibility of the requester to ensure that the responsible budget holder has approved all requisitions before having the requisition transmitted to the purchasing department.

The buyer shall obtain concurrence of the requester to correct and update information relating to part numbers, descriptions, required by date, and/or technical performance.

PURCHASING DEPARTMENT RESPONSIBILITY

Once a complete and correct requisition is received through the IFAS requisition/purchasing program, purchasing personnel shall determine the required solicitation process based on the estimated dollar value.

Purchasing Technician

Each purchasing technician has been assigned specified schools and/or departments as their primary customers. If the requisitions overall estimated value is over \$2,500 but under \$24,999 the administrator will review the requisition for completeness, contact the recommended source and at minimum, one other source for pricing, shipping costs, and to verify the item(s) can be received by the requester's required-by date. They will approve the requisition and the information they have confirmed, and forward to a buyer for finalization. Once the buyer approves the purchase order, the purchasing technician will email the purchase order with applicable terms and conditions to the vendor.

For orders \$25,000, the purchasing technician will review for completeness and hand it over to the buyer for competitive buying, or purchase from a state contract or a consortium agreement. Once the buyer approves the purchase order, the purchasing technician will email the purchase order with applicable terms and conditions to the vendor.

It is the responsibility of the purchasing technician to expedite past due purchase orders and to assist the buyers with change orders based on outstanding purchase order reports. Changes may be required consisting of, substitutes of items other than originally ordered, delivery date, quantity, unit of issue, delivery to, etc. No changes shall be made to an original requirement without written authorization (normally e-mail) from the requester. The estimated price cannot be increased without requester approval and the required date cannot be extended without requester approval.

The purchasing technician shall document the purchase order in IFAS so the requester has access to all follow-up information with regard to their requirement. The purchasing technician shall work closely with their assigned building/department's transmitters with regard to their requirements. The transmitters shall be responsible for coordinating with the end users to ensure all information is disseminated appropriately. All IFAS requisition input training of District personnel will be conducted by the purchasing technician.

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Purchasing Buyers

All District 51 acquisitions requiring formal solicitations and contract agreements shall be performed by the purchasing buyers. Requirements estimated between \$2,500 and \$24,999 may only require informal quotations. The buyers will ensure that adequate competition has been obtained, synopsize the prices and delivery information, determine what terms and conditions are required and place the order with the vendor. The buyers will coordinate with the purchasing technician so that all the information the transmitters and requesters need is entered into IFAS.

All requisitions estimated \$25,000 and over will be assigned to a buyer for solicitation through Invitation for Bid or Request for Proposal. The buyer will work directly with requesters to ensure that specifications, statements of work, delivery or performance schedules, prospective proposers lists and other acquisition requirements are complete and accurate.

These acquisitions may require a contract and contract administration to ensure the specific terms and conditions stated in the contract are followed. While the requesting building/department will be responsible for the technical administration, the Director of Purchasing is responsible for all contract administration. Refer to Contract Administration – PO-16 for further guidance.

Buyers will work closely with the requesters/ technical representatives to secure the requirements within the requested timeframe. However, formal solicitation lead-times are based on state statutes and laws with regard to spending public funds.

Example of Chronological Events and Responsibilities

STEP	WHO	ACTION
1	Requester	Prepares and forwards the purchase requisition to the purchasing department. (Note – The requester may obtain assistance from the buyer at any stage of the requisition process)
2	Buyer	If the information provided by the requester is complete and acceptable the buyer proceeds to Step 6. If not, proceed to Step 3.
3	Buyer	If the information provided by the requester is not complete and acceptable, the buyer will advise the requester of additional requirements.
4	Requester	Submits information/documentation requested by the buyer.
5	Buyer	Returns to Step 2.
6	Buyer	Prepares solicitation and all required documentation

Director of Purchasing and Warehouse Services Responsibility

The Director has the responsibility of ensuring that the District 51 purchasing and warehouse procedures are maintained, understood and followed in order to protect the District from

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unnecessary risk; ensure that the District is receiving their requirements at the best overall cost; and, ensuring that District 51 employees receive their requirements on time and within budget. The Director is the point of contact for contract administration, contract records, as well the purchasing card program.

REFERENCE:

Board of Education Policy No. DJB, DAB, AND DJE

Title: Purchasing – Small Purchases	Procedure No.:	PO-04
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Procurements under \$2,500 are considered small purchases. It is the responsibility of district personnel to adhere to the established policies and procedures when utilizing one of the small purchase methods to obtain requirements.

The Superintendent has delegated authorization to obtain small purchases under \$2,500 to budget holders through petty cash, restricted checks, direct payment transactions, and the Purchasing Card Program. Refer to District 51 financial procedures for additional information with regard to petty cash, restricted check and direct payment transactions. Refer to purchasing procedure Purchasing Card Program – PO-06 for additional guidelines.

The Board of Education Policy DJB – Purchasing Procedures, requires that any individual involved in the sale or purchase of supplies, equipment and services for the district shall avoid the intent and appearance of unethical or compromising practice in relationships, actions, and communications.

Even though purchases under \$2,500 are exempt from competition, it is the responsibility of district personnel to spend funds wisely and obtain the best value for the district. District personnel shall not split orders to avoid competition and purchasing through the requisition purchase order process.

All material determined to be hazardous by the District Environmental Health and Safety Specialist must be ordered through the requisition purchase order process. Refer to purchasing procedure Hazardous Materials – PO-08 for additional guidelines.

When making small purchases that involve individual services, appropriate tax identification and 1099 information must be obtained and furnished to the finance department.

There are many conditions that pertain to purchases using the District 51 purchasing card. Refer to purchasing procedure Purchasing Card Program – PO-06 for additional guidance.

REFERENCE:

Board of Education Policy No. DJB, DAB and DJE

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This procedure covers the process when receiving monetary donations over \$10,000 (cumulative). If a program is offered monetary donations, a contract needs to be submitted by the donator to the school administrator. If the donator does not offer a contract, a District written contract will be offered to the donator. All donations over \$10k must include a contract, which must be approved by the District Attorney.

Exclusive contracts are not allowed.

If the cumulative donation is over \$10,000, the following approval steps should be followed:

If Donation is for:	Order of Approval Process
Athletic Program and/or Athletic Buildings	1. Principal and/or School AD 2. District Athletic Director 3. Contracts Director 4. District Attorney 5. BOE (if necessary)
Any other Program	1. Contracts Director 2. District Attorney 3. BOE (if necessary)

REFERENCE:

Board of Education Policy No. JJE-R and KCD

Title: Purchasing – Purchasing Card Program	Procedure No.:	PO-06
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OVERVIEW

District 51 Superintendent has delegated authority to certain eligible District personnel to commit funds with suppliers for allowable items. Approving Officials, normally the department head or school principal and budget holder, should only raise the credit card limit above \$2,500 for themselves or their employees when absolutely necessary because of the nature of the work, such as maintenance, transportation, and other service activity. The purchasing department buyers and certain other District management personnel cards have higher thresholds.

The purchasing card program is governed by the same statutes, purchasing, personnel and fiscal procedures and rules that apply to all other purchases.

Cardholders and approving officials play a critical role in ensuring the success of the program. Although the card lists an individual's name it is actually issued to the District. However, cardholders have primary accountability for the card's security and use. Program administrators and the approving officials monitor the cardholders use of the card and ensure the accurate recording of expenditures.

Each card has multiple controls such as spending limits and what type vendors it can be used with. Every individual who is authorized to use a purchasing card and their Approving Official must view training, pass the quiz and sign an agreement (annually) to follow program policies and procedures. There are also several other restrictions that the district has implemented with regard to the purchasing card that cannot be controlled through the card itself, but is dependent on the cardholder and the approving official to ensure observance.

SECTION A – DEFINITIONS

Approving Official

An approving official is an individual who oversees a number of cardholders and designees . They are budget holders, principals, directors, executive directors, etc.

Card Custodian

A card custodian is responsible for safeguarding a generic card and issuing it to designees within their department, group or program as need arises.

Cardholder

A cardholder is an individual authorized by their approving official to use the card to acquire supplies and services according to the rules and procedures of the purchasing card program.

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Designee

A designee is a user of a departmental/program generic card. Designees are authorized by their approving official to use the generic card to acquire supplies and service according to the rules and procedures of the purchasing card program.

Generic Card

A generic card is issued bearing a name of a department, group, or program with no individual name listed and is used by trained designees when needed. Cards are normally names for their functions or program. This card is limited to \$2,500 per transaction and has a limit of \$5,000 per month. No employee with an individually assigned card shall be an authorized designee.

Monthly Purchase Limit

The monthly purchase limit is the maximum amount of money a cardholder or designee is allowed to spend each month.

Program Administrator

The program administrator is an individual who is responsible for the District program procedures, card issuance/cancellation, monitoring, and development of the program.

Single Purchase Limit

The single purchase limit is the maximum amount of money that a cardholder or designee can spend for a single purchase.

Type A – Travel and Purchase Card

This card is open to authorized vendors for purchase as well as open for travel with an approved travel request. Meals while traveling are not allowed. Issued to department heads. No generic cards are Type A cards. No one but the person the card is issued to is allowed to use this card.

Type B – Purchase Card

This card is open to authorized vendor for purchase only. No one but the person the card is issued to is allowed to use this card. Generic cards are Type B cards.

Hotel – Purchase Card

This card is open to authorized hotel only vendors. It can be requested via a travel requisition.

Gas – Purchase Card

This card is issued by the transportation department for use for Gas purchases only.

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SECTION B – RESPONSIBILITIES

Approving Officials

Responsibilities:

- Review the card transactions to verify that the rules and procedures of the purchase card program are followed.
- Give signature approval to the weekly list of transactions.
- Assure that all documentation is retained in accordance with purchasing card program procedures (7 years).
- Assure that all expenditures are assigned to the correct account codes.
- Monitor cardholder activity for unusual patterns of use.
- Provide documentation as requested by Finance Department during audit period.

Card Custodian

Responsibilities:

- Ensures [Pcard Agreements](#) are signed by ALL pcard users annually.
- Ensures that all employees are informed of proper pcard procedures.
- Maintains custody and is responsible for use of the card.
- Ensures the card is used only for official District business.
- Immediately reports a lost or stolen card to issuing Bank and the Purchasing Administrator.
- Ensures purchases are made in accordance with purchasing card program procedures.
- Reconciles and signs-off on the transaction log for each cycle.
- Processes orders to ensure delivery of acceptable materials.
- Ensures all deliveries are received in a timely manner, or according to agreement.
- Processes returns and ensure credits or replacements are received and applicable credit is received.
- Retains records in accordance with purchasing card program procedures.
- Assigns all purchases to the proper account codes.
- Ensures that sales tax is not charged to the District.

Cardholder

Responsibilities:

- Sign [Pcard Agreement](#)
- Complete required purchase card program training and passes quiz.
- Maintains custody and use of the card.
- Uses the card only for official District business.
- Immediately reports a lost or stolen card to the Purchasing Administrator.
- Makes purchases in accordance with purchasing card program procedures.
- Reconciles and signs-off on the transaction log for each cycle.
- Processes orders to ensure delivery of acceptable materials.

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- Ensures all deliveries are received within the 14 day cycle time.
- Processes returns and ensure credits or replacements are received and applicable credit is received.
- Retains records in accordance with purchasing card program procedures.
- Assigns all purchases to the proper account codes.
- Ensures no one other than the cardholder uses the card.
- Ensures that sales tax is not charged to the District.

Designee

Responsibilities:

- Signs [Pcard Agreement](#)
- Completes a written request for permission to use a generic card to be approved by the approving official
- Receives training given by the card custodian.
- Complies with all applicable existing policies and procedures that govern the use of the District purchase card.

Program Administrator

Responsibilities:

- Establishes and updates program policies, procedures and guidelines.
- Provides training to Cardholders and Approving Officials in the management and use of the purchasing card.
- Coordinates the handling of the purchasing cards including additions, deletions and changes.
- Maintains cards in a secure manner until issued to cardholders.
- Develops and issues periodic management reports to monitor the program.
- Conducts periodic reviews to ensure that cardholders and approving officials activities are in compliance with program procedures.
- Coordinates with approving officials and cardholders regarding purchasing card program violations.

SECTION C – CARD MANAGEMENT

Requesting a Card

To obtain a District purchasing card, an employee’s building principal or department director must approve the employee as a cardholder based on job responsibilities and need to make purchases.

A Mesa County Valley School District No 51 Purchasing Card – New Cardholder Account Form must be completed and sent to the District purchasing department. New Card Holders must take online Pcard training and pass quiz prior to the card being activated.

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Training and Agreements

At the time of training, all cardholders, approving officials and designees are required to sign agreements before a card is issued for use. The agreements outline important responsibilities and expectations and compliance to ethical standards. The agreements must be maintained in a secure file, by the approving official.

The training includes:

- Description of the program
- Expectations for cardholders, generic card custodians and approving officials
- Mandatory use of the district warehouse inventory
- Permissive use of price agreements
- Prohibited purchases
- Violations and consequences
- Approval requirements
- Documentation requirements
- Records keeping and retention requirements
- Statement review and reconciliation

Card Distribution, Activation, and Custody

Cards will be distributed upon satisfactory completion of training sessions or as soon as practical. For an individually assigned card, the cardholder must safeguard the card by signing it immediately. Each card must be activated in accordance with the procedure explained on the card.

The cardholder is responsible and accountable for the purchasing card and its use at all times. The cardholder's building principal or department is liable and responsible for payment of all transactions unless they are successfully disputed. (See Disputed Transactions in this section).

For individually assigned cards, the person issued a purchasing card is the only one authorized to use that card – the card must not be given to or shared with any other person.

Generic cards in a department, school or program name shall be used in accordance with the guidelines described in Section E of this procedure.

Card Security

Approving official, principal, department director, budget holder, has the responsibility of safeguarding the purchasing card and account number to the same degree that a reasonable person would safeguard their own personal credit information. The purchasing card shall be kept in a secure location when not in use. The purchasing card should be treated with even more care than you give your personal credit card, as it is district property and used to purchase with public funds. The purchasing card account number is to be guarded. Do not post it at your desk or

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write it down. Do not lend your card to another person. A violation of this trust shall result in cancellation of the card and disciplinary action.

Lost or Stolen Cards

Cardholders are to report lost or stolen cards to a Program Administer (purchasing) immediately. The building principal or department is liable for all charges until the lost or stolen card is reported to the bank.

If the cardholder subsequently finds a card after being reported lost, it must be cut into pieces and disposed of.

Credit Limits

Credit limits and other controls are established when the card is authorized and approved. Principals/departments directors may establish lower single purchase limits. Each card will have the following spending limits based on anticipated needs:

“A” Cards – Open for most purchases as well as travel (with approved travel request)

Issued to individuals in their personal names for their use only
Standard Limit is \$2,500 per transaction, \$10,000 per month

“B” Cards – Open for most purchases but no travel

Issued to individuals in their personal names for their use only
Standard Limit is \$2,500 per transaction, \$10,000 per month

“B” Generic Cards – Open for most purchases but no travel

Issued to departments or programs and not to an individual
Standard limits - \$2,500 per transaction, \$5,000 per month

“Hotel” Cards – Open for Hotel purchases only

Issued to individuals who have requested it on a travel request
Standard Limit is \$2,500 per transaction, \$10,000 per month

“Gas” Cards – Open for Gas purchases only

Issued by the Transportation Department for rental cars and district vehicles
Standard Limit is \$2,500 per transaction, \$10,000 per month

Change in Card Information or Purchase Limits

If there is a need to change any information regarding account, such as the expense account code default, or if card limits are restricting purchases that are required to perform job responsibilities,

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an email will need to be sent to the appropriate Program Administrator (typically Purchasing Director).

Canceling a Card

The purchasing card must be destroyed if a cardholder leaves employment with the District or transfers or relocates to another school or department, and the program administrator notified.

SECTION D – USE OF INDIVIDUALLY ASSIGNED CARDS

Definition

An individually assigned card is one that in addition to the name of the school district also contains the name of the individual cardholder.

The individually assigned card cannot be used by anyone other than the person to whom the card has been assigned.

Authorization to Purchase

The cardholder’s approving official (budget holder) will inform the cardholder as to the limitations and expectations on use of the card (including pre-approvals of purchases). In addition to the requirements of fiscal rules, if purchases are made against a particular account code or fund, the cardholder is responsible for ensuring the charges are allowable.

Placing an Order

If the order is placed by fax, call the merchant and provide the card number instead of including it on the fax document. No back orders are allowed.

If the card number is provided over the phone, the cardholder should be alert to others in the surrounding area that may hear the card information. No back orders are allowed

If the order is placed over the Internet, make sure it is a secure site. No back orders are allowed.

All items purchased over-the-counter must be immediately available.

No back orders are allowed.

All items purchased must be delivered by the merchant within billing cycle.

When an order is placed, provide the merchant with the following information:

- The cardholder’s name and telephone number
- The purchase is tax exempt
- The purchase is subject to all applicable discounts granted to schools or the State of Colorado or the state’s price agreements

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- Specific delivery instructions including the words PURCHASING CARD PURCHASE
- The merchant’s order number
- Request documentation showing details and pricing for each item ordered

Transaction Documentation

The cardholder is responsible for ensuring that every transaction has valid supporting documentation. Valid supporting documentation consists of the following:

- An itemized receipt and card transaction slip from the merchant
- A minimum of 2 quotes if purchase is over \$2,500, and not an exempt purchase (see PO-01).
- A signed packing list
- Order forms for dues, subscriptions, registrations, or similar documents
- Detailed invoice showing purchasing card payment
- E-mail confirmation from the merchant
- Merchant name
- Date of purchase
- Description, price and quantity of each item purchased
- Total paid, including tip if applicable
- Cardholder name and/or card number
- Signature of cardholder or generic card designee demonstrating receipt
- Explanation of the reason for the purchase, if it appears unusual

In addition to the above:

- If the purchasing card is used for gift cards/certificates and gifts of any type (e.g. flowers) the purpose of the gift and the recipients name must be written on the receipt. Gift certificates shall not be purchased for district employees.
- If the purchasing card is used for hotel rooms the name of the person the room is reserved for; business purpose; location; duration of stay; and, the travel form number must be written on the receipt.
- All meals and food purchases require additional documentation written on the receipt. At minimum include; business purpose; name of each person attending the function; date of the function; as well as the location.
- All meals and food purchases receipts must be itemized, clearly showing what was purchased.

Tracking Purchases

Retain documentation in a file or envelope including letters, e-mails, hand prepared order information with signatures, etc. Retain the authorizing document and maintain a log of all purchases.

Records retention

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All purchasing card documentation shall be kept on file at the school building or department office for seven (7) years.

Lost or Unavailable Documentation

Contact the merchant directly if the original supporting documentation is lost or if the merchant did not provide it. If the merchant cannot provide documentation, complete the Purchasing Card Missing Receipt Form. These missing receipt forms must be itemized and signed by the cardholder. Excessive use of the missing receipt form may be cause for card cancellation. It is highly recommended that the cardholder maintain a pending file so receipts can be easily matched to weekly cardholder statements.

Reconciling the Statement

Upon receipt of each statement review transactions as follows:

- Verify each listed charge is valid and matches the transaction documentation
- Ensure that account coding is accurate
- Identify any disputed charges
- Reconcile credits in the same manner as charge transactions
- Attach all supporting documentation

Every week the designated reviewer will receive the purchasing card computer download (PIG System) that lists cardholder name and number of items that have been processed by the bank. The reviewer shall match each item with a receipt and verify the correct amount. If a receipt is not available and the cardholder cannot obtain one from the merchant, a missing receipt form shall be completed.

Account coding must be assigned to each expenditure unless it is the default account code already set up in the PIG system.

Upon completion the cardholder shall print a transaction list from the report section of the system. Cardholder and approving official is required to sign the transaction list. The transaction list, statement and invoices shall be attached and filed as support for transactions posted.

Discrepancies

If there is a discrepancy on any amounts, the cardholder must follow up with the vendor, and if necessary, contact the program administrator. Even if there is a discrepancy identified, the bank has already taken the cash out of the district’s account. The amount of the discrepancy must be entered to the appropriate account. When the issue is resolved, the credited or new amount must be recorded to the same account.

Material Returns and Disputed Transactions

The cardholder is responsible for working with the merchant to correct any problems. If there is a discrepancy between the transaction log and the statement, address the issue immediately. If

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the cardholder believes the merchant has charged incorrectly or the items were not received as billed, the cardholder shall contact the merchant and attempt to resolve the error immediately. If the problem is resolved request a credit adjustment so it will appear on the next statement. Highlight the item on the transaction log as a reminder to verify receipt of credit.

If the dispute is not resolved to your satisfaction, notify the Director of Purchasing. Disputes must be reported within 30 days of transaction date.

SECTION E – USE OF GENERIC CARDS

A generic card is issued bearing a name of a department, group, or program with no individual name listed and is used by trained and authorized designees when needed. Cards are normally named for their functions or program. This card is limited to \$2,500 per transaction and has a limit of \$5,000 per month. Only District 51 employees are authorized to use a generic card. A list of authorized users shall be maintained and updated by the generic card custodian.

The generic card is sent to a card custodian within the group. The card custodian provides the card to designees within their group as the need arises for them to make purchases. The card custodian maintains the authorized users list that has been approved by the approving official.

A designee is a user of a departmental/program generic card. Designees are authorized by their approving official to use the generic card to acquire supplies and service according to the rules and procedures of the purchasing card program. A designee must be on the approved users list before they are issued the generic card for use.

Designee Responsibilities

- Completes a written request for permission to use a generic card that is given signature approval by the approving official.
- Receives training given by the card custodian.
- Complies with all applicable existing policies and procedures that govern the use of the District purchase card.
- Keep the card and pin code secure.
- Obtain receipts from merchant
- Immediately return card and receipts to the custodian.
- Deal with the merchant directly on any return, dispute or credit.
- Immediately report lost or stolen card to the custodian.
- Do not use the card for unauthorized purchases.
- The designee shall not write the card number down.
- Signs Pcard Cardholder Agreement annually.
- Reads Pcard Guidelines.

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Custodian Responsibilities

- Confirms training, signed agreement is completed annually
- Ensures all new pcard users complete the pcard quiz.
- Creates and maintains a current list of individuals who are authorized to use the generic card.
- Maintains custody and is responsible for use of the card.
- Ensures the card is used only for official District business.
- Immediately reports a lost or stolen card to the Purchasing Administrator.
- Ensures purchases are made in accordance with purchasing card program procedures.
- Reconciles and signs-off on the transaction log for each cycle.
- Processes orders to ensure delivery of acceptable materials.
- Ensures all deliveries are received within the 14 day cycle time.
- Processes returns and ensure credits or replacements are received and applicable credit is received.
- Retains records in accordance with purchasing card program procedures.
- Assigns all purchases to the proper account codes.
- Ensures that sales tax is not charged to the District.
- Reads Pcard Guidelines.

Restrictions

All prohibited transactions are the same for the generic card as they are for an individually assigned card.

Card Names

The name embossed on the card is a work group or program name rather than an individual's name.

Signature on Card

The card custodian should write "See Employee Identification" on the space on the back of the card.

SECTION F – RESTRICTED CARD USE AND PROHIBITED TRANSACTIONS

Restricted Card Use

District 51 employees shall not use any other credit or debit card program for general merchandise and services purchases.

Individually assigned card may only be issued to an individual. Individually assigned cards shall not be shared or loaned to any other person.

Generic cards may only be used by authorized designees. No one with an individually assigned card shall have authorization to use a generic card.

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Prohibited Transactions

Various merchant categories have been excluded or have been placed off limits for use of the card. The purchasing card contains a feature that blocks purchases at vendors in merchant categories. In addition to these merchant category blocks, the purchasing card **may not be used** for the following purposes:

- Internet purchases except password-protected sites
- Cash advances such as cash back with a purchase, cash credit returns, traveler’s checks, money orders, and ATM transactions
- **Stock items available through our warehouse or through district contracts**
- Purchase of goods and services for personal use or for the personal benefit of another individual
- Any merchandise, product or service normally considered inappropriate use of district funds
- Services requiring an IRS form 1099 (sole proprietorships, individuals, partnerships, LLCs, LLPs, trusts and estates)
- Use without budgeted funds
- Leased or rented equipment
- Capital equipment or high-risk theft items requiring property accounting tags
- Splitting a purchase to circumvent single purchase dollar limits. District 51 purchasing rules require competition and a purchase order or contract for all single purchase needs over \$2,500.
- Backorders – Backorders could adversely affect future orders because of the number of transactions and dollar amount card limits.
- Unauthorized purchases also include purchases generally considered legitimate that are disallowed or not approved by an approving official.

SECTION G – VIOLATIONS AND PROGRAM MONITORING AND AUDIT

It is the cardholder’s and designee’s responsibility to purchase only items that are necessary to carry out their job requirements and to comply with District purchasing procedures, fiscal procedures and program procedures.

Program Monitoring

Purchasing card administrators, in conjunction with human resources have developed guidelines for disciplinary action for violations of rules and program procedures. Violations can range from inadvertent or simple mistakes to negligence or fraudulent use of the purchasing card.

Program administrators are responsible for ensuring that cardholders, card custodians, designees and approving officials are informed of the procedures. Disciplinary actions shall be uniformly

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and consistently applied throughout District 51. Violations, disciplinary actions, etc. shall be documented and maintained in a secure file.

The district Finance and/or Purchasing department shall review the purchasing card transactions reports and other management reports to determine if there has been any unauthorized use of the purchasing cards. They may request additional information if any transactions have an appearance of a purchasing card program violation.

Review tools that have been implement are:

- Approval reports require secretary and approving official signatures
- District cabinet members’ approval reports and supporting documentation shall be audited by the finance department on a yearly basis

Audit

Selected transactions and activities of program participants shall be routinely reviewed (audited) by financial department personnel. An outside audit shall be performed at schools and department randomly every year. All transactions are subject to review for a period of seven (7) years.

Purchasing P-Card forms can be found on the District web site, under “Forms” <https://staff.d51schools.org/forms>

REFERENCE:

Board of Education Policy NO. DJB and DJE

MATERIAL RETURN TO VENDOR FORM

Fill out and e-mail to purchasing@d51schools.org

Print one copy to put with material being returned. Print a copy for your records.

Purchase Order No. _____ Date _____ Contact Name & Phone No. _____

Vendor Name _____

Building/Facility Returning the Material _____

Material being Returned Description (include Model/Cat.No ISBN) _____ Quantity _____

Note: Material will not be picked up until Purchasing has received authority to return from Vendor.

Reason for return _____

Material Being Returned for Credit Yes ___ No ___

Material Being Returned for Even Exchange Yes ___ No ___

Material Being Returned for Replacement as follows:

Quantity	Description	Unit Price	Total
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For Purchasing/Warehouse Use Only

Warehouse Pick Up Yes ___ No ___ Date _____ Initialed By _____

Call Tags Issued Yes ___ No ___ Date _____ Initialed By _____

Return Authorization Number _____

Ship Items To: _____

Amt. Insured (excess of \$100.00) _____

Material Returned By: _____

UPS Number _____ Date _____

Freight Company _____ Date _____

Our Truck _____ Date _____

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This procedure covers the return of material ordered through the Requisition/Purchase Order System. Material returns for items purchased through the Purchase Card Program or purchased and paid for through direct pay or restricted check are to be handled by the individual that initiated the transaction based on procedures covered under Purchasing Procedure No. PO-06 and applicable finance procedures for Direct Pay and Restricted Checks.

If material is received that is defective, or wrong, fill out the Material Return to Vendor form found on the Purchasing web page. Keep a copy for your records. E-Mail the Material Return form to the purchasing department at purchasing@d51schools.org.

Do not call the Vendor. Purchasing will contact the Vendor for return authorization based on information from the Material Return to Vendor form.

Put material in the original carton and attach a copy of the Material Return form for warehouse pickup.

If authorization is received, Warehouse Driver will pick up the material, the purchase order will be changed to indicate the return so payment will not be processed. If payment has already been made, the purchase order will be changed to allow for replacement or for credit, whichever is applicable. If there is a restocking charge, or if for some reason the Vendor denies authorization you will be notified by purchasing.

REFERENCE:

Board of Education Policy No: DJB

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These policies and procedures are to ensure compliance with all regulations, and local, state and federal laws pertaining to the purchase of hazardous materials.

These procedures apply to all employees who participate in any phase of the purchasing process.

Overall supervision of the operation of all hazardous materials policies and regulations within the district will be the responsibility of the Superintendent or the District Environmental Health and Safety Manager who will serve as the hazardous materials program manager, referred to throughout these regulations as the “Manager”.

At each location, a district employee will be designated as the local hazardous materials liaison, referred to throughout these regulations as the “liaison”. At each location, there also will be an alternate district employee designated as a backup to the liaison.

The liaison will be responsible for all aspects of dealing with hazardous materials at the location and will comply with all district policies and regulations and local, state and federal laws and regulations dealing with hazardous materials. The liaison also will be responsible for reporting any violations in the district’s hazardous materials policy or regulations simultaneously to the supervisor and the building/location administrator.

Procedure

In addition to following the district’s regular purchasing procedures, an employee shall purchase hazardous materials only upon the location Hazardous Materials Liaison’s approval to requisition. The requisition will be entered into IFAS with the specified Hazardous Material code. The code will automatically trigger the Material Safety Data Sheet (MSDS) required with shipment statement.

Hazardous materials will only be purchased through the requisition/purchase order process as follows:

- a. The requestor secures the written approval of the location Hazardous Materials liaison.
- b. A requisition coded with the specified Hazardous Materials Code is entered into the automated requisition/purchase order system.
- c. Through the specified coding, the purchase order will automatically print a clause instructing the vendor that the MSDS must be included with the shipment or shipment may be rejected, or conditionally accepting the shipment and refusing to pay for it until the MSDS are provided.

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- d. Reports will be generated as requested through the Hazardous Materials Code.
- e. The acquisition of donated hazardous materials shall follow these purchase order procedures on a “no charge” basis.
- f. All containers for hazardous materials will be labeled by the Manager of Environment Health/Safety to show date of receipt by the district, shelf life and expiration date.

Any purchase or acceptance of donated hazardous materials obtained for the District outside the scope of this procedure by a District employee may be grounds for termination.

REFERENCE:

Board of Education Policy No. DJB, DJE, EBAB and EBAB-R

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It is necessary to purchase on a noncompetitive basis at times. In this situation, the requester is required to provide a noncompetitive justification for purchases over \$2,500.

- A sole source procurement is justified when there is only one good or service that can reasonably meet the need and there is only one source (vendor) that can provide a good or service. A requirement for a particular proprietary item (i.e., a brand name specification) does not justify a sole source procurement if there is more than one potential offeror for that item.

If a noncompetitive purchase is of a repetitive nature, the requester should identify this in their application for exemption, and request a fiscal year waiver (July 1 – June 30). The requester should refer to the waiver on future requisitions for this product or service.

The following require a statement on the requisition that they are exempt. Board of Education exemptions require a copy of the Board exemption letter:

- Textbooks and other instructional materials only obtainable from one source.
- Software license/maintenance or software/hardware technical support agreements with software/hardware manufacturers or their authorized representatives.
- Maintenance agreements with original equipment manufacturers or their authorized dealers where maintenance is required to be performed by such entities to preserve warranties on proprietary equipment or other valid rationale.
- Original Equipment Manufacturer (OEM) repair and replacement parts if purchased from the manufacturer or from an exclusive factory representative.
- Board of Education exemptions.

Noncompetitive purchase requests for less than \$25,000

These purchases require an [Application for Exemption from Competition](#) and must be filled out and sent to purchasing along with other backup documentation. Justification based on a preliminary survey of the market and comparison of products with a conclusion by the request that only one supplier's product meets requirements is normally adequate. Names of vendors contacted, dates and results of discussions must be documented in the memo section.

Noncompetitive purchase requests for over \$25,000

Each justification shall set forth enough facts and circumstances to clearly and convincingly establish that competition would not be feasible or practical. The purchasing director or buyer must ensure that the documentation in support of a sole-source recommendation is valid. If documentation does not meet the standards required, and if the requester cannot furnish additional supporting data, the solicitation cannot be restricted to the recommended source. Factors to be considered relative to a sole-source requirement are listed below:

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Description of Supplies or Services to be Procured:

- A. A brief, general, non-technical description and statement of the general application and particular significance or specialized character of the procurement.
- B. A description of all associated supplies or services, e.g., technical data, reports, etc. to be procured.

History, Estimated Future Requirements, and Long-Range Purchasing Objectives:

- A. A brief statement of the evolution of the requirement from initiation to present status.
- B. A description as to whether the work requirement is a continuation of a previous effort performed by the proposed vendor/contractor (follow-on).
- C. Reference should be made to any advance planning information previously prepared or furnished, together with information with respect to any changes proposed in the present justification, which represents a departure or modification of prior procurement plans, including a statement of the effect of the changes, if any, on scheduled milestones.
- D. A statement as to what actions have been or will be taken to develop competition and eliminate a noncompetitive situation in any future purchase of the proposed supplies or services, particularly as to the availability of complete and accurate data, reasonableness of delivery requirements, and possible breakout of components for competitive purchases.
- E. Identify other sources considered and why they cannot be made acceptable or capable.

Estimated Cost:

- A. The estimated cost of the purchase and a brief description of the assumptions made and date used by the initiating budget manager to develop the estimate.
- B. The estimated cost listed by fiscal years.
- C. Whether the proposed vendor/contractor or the District has a substantial investment of some kind that would have to be duplicated at the District's expense by another source.

Schedule Requirements:

- A. The basis for establishing schedule requirements.
- B. An explanation of the urgency, if any, of the requirement. Describe why the schedules are critical and why only the proposed contractor can meet them.
- C. Describe what significant cost savings or other benefits could result if schedules could be relaxed and whether competition could thus be obtained.

Exclusive Capability:

- A. Does the proposed contractor have personnel considered unquestionably predominant experts in the particular field?
- B. What prior experience of a highly specialized nature does the source exclusively have that is vital to the proposed effort?

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- C. What facilities and test equipment does the source exclusively have that are complex or specialized and vital to the effort?
- D. Is competition precluded because of the existence of patent rights, copyrights, secret processes, trade secrets, technical data, or other proprietary data?
- E. What other capability and capacity does the proposed contractor have that is necessary for the specific effort and makes it clearly the only source that can perform the work on the required time schedule without incurring clearly unreasonable costs?
- F. A statement as to what actions have been taken to ascertain the existence (of lack thereof) of qualified alternative sources capable of satisfying the District's requirement.

Other

- A. If the lack of specifications or drawings is a constraining factor, why is the proposed contractor clearly best able to perform under these circumstances? Why are the specifications or drawings lacking? What is the lead-time required to get the specifications and drawings suitable for competition?
- B. Are parts or components being procured as replacement parts in support of equipment specifically designed by a manufacturer, where data available is not adequate to assure that the parts or components obtained from another source would perform the same function?

REFERENCE:

Board of Education Policy No. DJB and DJE

Title: Purchasing – Emergency Purchases	Procedure No.:	PO-10
	Effective Date:	02/02/2015
	Supersedes No.:	PO-10, 07/05
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An emergency condition is a situation that creates a threat to public health, welfare, or safety such as may arise by reason of floods, epidemics, riots, equipment failures, or such other reason as may be proclaimed by district management and reviewed by director of purchasing or designee. The existence of such a condition creates an immediate and serious need for supplies, services, or construction that cannot be met through normal procurement methods and the lack of which would seriously threaten:

- A. The function of the school district or its programs
- B. The preservation or protection of property
- C. The health or safety of any person or persons

Lack of acquisition planning does not constitute an emergency.

The existence of an emergency situation does not preclude the use of the competitive acquisition process in its entirety. Purchasing will obtain such competition as is practical under the emergency requirements of the situation.

Within 3 working days after the declared emergency, the principal or department director shall send written justification for exercising authority to waive the normal purchasing process to the purchasing director.

To initiate an emergency purchase you may contact one of the following purchasing representatives:

- ✓ Purchasing Director
- ✓ Senior Buyer

When the requester makes the determination that an acquisition is an emergency, he/she should prepare the department request as usual, and obtain all appropriate approvals prior to submitting the data to the Purchasing Department. The requester should then contact purchasing. However, if an emergency arises where time does not allow for this, contact one of the above listed purchasing representatives immediately. Emergency requirements will take priority above all others.

Title: Purchasing – Ratifications	Procedure No.:	PO-11
	Effective Date:	10/2024
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This procedure is established to ensure that all contractual commitments for the procurement of supplies, equipment and services will be made solely by the purchasing organization and purchase cardholders acting in accordance with the purchase card program. Unauthorized commitments circumvent District 51 policies and procedures designed to protect the interest of the district.

Management/budget holders shall ensure all their employees comply with the purchasing procedures and shall take steps to prevent unauthorized procurement actions and are responsible for identifying employees in their organizations who are delegated the authority to approve purchase requisitions.

Personnel responsible for making decisions to requisition supplies, equipment and services must maintain a close and continuous relationship with the purchasing department to ensure that purchasing personnel are made aware of contemplated procurement actions. This will be mutually beneficial in terms of better planning of procurement actions that should result in timely, efficient, and economical procurement.

Ratification is the act of the Superintendent of Schools, after review of all the facts involved in an unauthorized purchase, sanctioning the unauthorized purchase of the responsible individual that made an unauthorized purchase. An unauthorized purchase is any situation where a purchase has occurred or a purchase commitment has been made to a vendor to obtain goods or services, and:

- a. the requesting person has not followed established applicable purchasing rules, or
- b. a person who is not authorized makes a purchase or commitment to purchase.

In the event that an unauthorized purchase has occurred, the Director of Purchasing shall contact the responsible budget holder and discuss the details of the unauthorized purchase and request a letter explaining why such action was taken. This letter should include, but not be limited to the following:

- a. A written statement of the facts, including a statement as to why the normal purchasing process was not taken.
- b. A statement as to why the proposed vendor was selected and a list of other sources considered.
- c. A description of the work to be performed or products to be furnished.
- d. Estimated or agreed to purchase order or subcontract price, including appropriate accounting code.
- e. A statement as to whether the vendor has commenced performance.
- f. A satisfactory justification for noncompetitive procurement.
- g. Recommended corrective actions that will preclude reoccurrence.
- h. The requisition number entered to ratify the action.

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Upon receipt of the letter requesting ratification, the Purchasing Director will review the information, and process the request. Routing for signature approval of ratification shall be the following:

- a. Responsible Executive Director
- b. Chief Operations Officer
- c. Superintendent of Schools

If the request and recommended corrective actions are justified and adequate, signature approvals shall constitute ratification of the action. The fully signed copy of the ratification request will then be forwarded to the Purchasing Director to enable processing. If the request for ratification is not approved, the Superintendent will then direct final action. A detailed record of review shall be maintained in the purchasing file for audit purposes.

If the request is not approved, the District 51 employee who made the unauthorized commitment will be subject to disciplinary action and may also assume the substantial risk of personal liability for any costs incurred by the supplier as a result of that employee's unauthorized commitment.

REFERENCE:

Board of Education Policy NO. DJB and DJE

Title: Purchasing – Pre-Procurement Planning	Procedure No.:	PO-12
	Effective Date:	10/2024
	Supersedes No.:	7/05, 2/15
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Pre-procurement planning (acquisition planning) is the pre-contractual process by which the efforts of all personnel responsible for the procurement are coordinated and integrated through a comprehensive plan for fulfilling the district’s needs in a timely manner and at a reasonable price/cost. This process allows the budget holder and the purchasing department to maximize the use of pre-contracting techniques (e.g., defining statements of work, market surveys, developing evaluation criteria, pre-negotiation planning, etc.) that will permit the procurement to be conducted smoothly from program inception to completion.

Pre-procurement planning stresses:

- Full cooperation between the requesting department or school and the purchasing department to fully support the program objectives,
- early involvement by purchasing during the program planning phase,
- use of pre-contracting techniques that may shorten the procurement cycle time, and
- Understanding the entire purchasing process from program inception to completion.

The requester and the purchasing department need to consider and adequately address in the pre-procurement planning, the following activities that could be involved in the procurement cycle.

- Specifications selection
- Data requirement identification
- Source-list development
- Justification and approval for non-competitive procurement
- Emergency justification
- Statement of Work preparation
- Requisition preparation
- Requisition review and approvals
- Submittal to requisition entry personnel
- Discussions with purchasing concerning selection of contract type
- Time for issuance of the solicitation, i.e., request for proposal, bid, formal quotation
- Time for supplier proposal response
- Evaluation for proposal, bid, reference and past performance checks
- Negotiation time, with time for a best and final offer
- Contract preparation and internal approvals
- Contract award
- Receipt of bonds and insurance (possibly safety plans)
- Notice to proceed issuance
- Performance and acceptance monitoring
- Payment upon final acceptance of deliverables
- Closeout documentation

Time is needed to solicit offers, receive and evaluate responses, obtain any required management or board approvals for award, and supplier delivery.

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When is Pre-Procurement Planning Required?

Pre-procurement planning is **mandatory** for individual requirement over \$50,000, including values of all options, and must be completed prior to issuing the solicitation.

Pre-procurement planning is optional for any requirement that is critical or time sensitive, regardless of dollar value and where the purchasing department and the user believe this planning is necessary.

Pre-Procurement Plan Considerations

- Name the project or procurement action
- Background and objectives
- Estimated cost and the basis of the estimate
- Funding source and accounting code
- Performance period/delivery date required
- Description of how competition will be sought
- Sources (list of potential suppliers)
- Source selection procedures (if single source, attach justification)
- Type of contract (lump sum, monthly payments, option years)
- Quality issues
- Acceptance criteria and method
- Environmental, health, safety concerns
- Computer-related acquisitions
- Other requirements
- Specific milestones

Title: Purchasing – Statement of Work and Specifications	Procedure No.:	PO-13
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What is a Statement of Work?

A Statement of Work, also referred to as Scope of Work (SOW) is a technical document individually tailored to attain the desired degree of flexibility for contractor performance and creativity, both in submitting proposals and in contract performance.

A SOW is required for more complex procurements such as services and construction projects. This is the most essential element of a contract because it explains to the contractor or vendor what is to be accomplished. The quality of the SOW determines to a large extent, the quality of the acquisition.

A clear, concise and complete SOW is essential to sound contracting. A complete statement of work, and drawings (if applicable), are required with any requisition for construction services.

The SOW shall include details of contractor and district responsibilities to achieve a contracted end result. The SOW does not tell a contractor how to accomplish an objective but is a narrative of what the objectives of the contract are and what specific tasks are to be pursued in attaining those objectives. A specification may be referenced or may be a part of the SOW, depending on the complexity of the specifications.

The SOW must be:

- Compatible with Board of Education and District 51 policies and procedures
- Organized so that it is possible to estimate costs
- Compatible with the generation of meaningful management information
- Sufficient in content to permit competitive procurement by qualified prospective sources

Who Writes the Statement of Work?

The requesting organization is responsible for writing the Statement of Work. Purchasing can assist in organizing the SOW and adding essential contractual language.

Technical Evaluation Criteria

The SOW is used to generate specific evaluation criteria such as equipment, facilities, and technical capability for the technical evaluation of proposals submitted by prospective contractors. Analyze each technical task to determine what criteria will best measure its understanding and effectiveness.

Pre-Planning of Purchasing Requirements

The process of communicating a procurement requirement demands detailed and specific planning. Direct links exist between the requirement, the cost and scheduling of the requirement, and the evaluation and selection of a successful contractor on a competitive basis. The requesting organization must fully understand what is to be bought, how it is to be bought, and

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when to develop a complete work statement. The SOW dictates the type of contract the purchasing will establish; cost reimbursement, fixed price, time and materials, etc.

Specifications

A specification is a description of a particular product. Specifications must be generic in nature and not brand specific. Such description must not, in competitive procurements, contain features which unduly restrict competition. Detailed product specifications should be avoided if at all possible. When it is impractical or uneconomical to make a clear and accurate description of the technical requirements, a “brand name or equivalent” description may be used as a means to define the performance or other salient requirements of procurement.

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For construction contracts exceeding \$50,000, the District requires a Bid guarantee and/or Performance Bond. The District will use discretion as to requiring bonds for construction contracts under \$50,000.

DEFINITIONS:

BID GUARANTEE/BOND

A bid guarantee will be requested from each bidder equivalent to five percent of the bid price. The bid guarantee may consist of a bid bond, certified bank check, or other negotiable instrument accompanying a bid as assurance that the bidder will, upon acceptance of the bid, execute such contractual documents as may be required within the time specified.

PERFORMANCE BOND

A performance bond on the part of the contractor for 100 percent of the contract price. A performance bond is one executed in connection with a contract to secure fulfillment of all the contractor's obligations under such contract. Bonds are required from the awarded contractor prior to contract execution.

LABOR AND MATERIAL BONDS

Labor and Materials or Payment Bonds guarantee that the contractor will pay certain subcontractors, laborers, and materials suppliers involved in the project, for labor and materials. The contractor shall furnish the bond within 10 days from date of Notice to Award.

APPLICABILITY:

A bond or other acceptable surety shall be duly executed by a qualified corporate surety or other qualified financial institution, conditioned upon the faithful performance of the contract, and, in addition, shall provide that, if the contractor or his or her subcontractor fails to duly pay for any labor, materials, team hire, sustenance, provisions, provender, or other supplies used or consumed by such contractor or his or her subcontractor in performance of the work contracted to be done or fails to pay any person who supplies laborers, rental machinery, tools, or equipment, all amounts due as the result of the use of such laborers, machinery, tools, or equipment, in the prosecution of the work, the surety or other qualified financial institution will pay the same in an amount not exceeding the sum specified in the bond or other acceptable surety together with interest at the rate of eight percent per annum. Unless a bond or other acceptable surety is executed, delivered, and filed, no claim in favor of the contractor arising under the contract shall be audited, allowed, or paid. A certified or cashier's check or a bank money order made payable to the District may be accepted in lieu of a bond or other acceptable surety.

REFERENCE: 2 CFR 200.325, C.R.S §38-26-106

Title: Purchasing –Memorandum of Understanding and Service Contracts	Procedure No.:	PO-15
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Consultants are individuals (independent contractors), or firms brought in for a limited time to assist in specific situations. The consultants are to be exceptionally qualified by education or experience in a particular field to perform some specialized service. The deliverable product or report is secondary to the service of a person or company.

Memorandum of Understanding (MOU's)

An MOU is utilized for speakers, short-term services, such as conferences and professional development seminars, and/or professional services. It will contain the names of the parties involved, the scope of work, terms and conditions, and payment terms.

Service Contracts

A Service contract is used for vendors that supply time, effort, and/or expertise instead of a good (tangible product). A service contract must contain the name of the parties involved, a detailed scope of work, payment terms and any general or special conditions.

Budget Holders shall not sign a consultant agreement or service contract on behalf of District 51.

Refer to purchasing procedure Purchasing Organization and Responsibility (PO-01) and Purchasing System and Methods (PO-02) for additional guidelines and signature authority.

REFERENCE:

C.R.S. 22-32-110 (1)(e)

C.R.S. 24-18-202,

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Introduction

This Procedure provides a standard reference guide for contracting goods and services on behalf of the District. It is essential that standard contract management policies be established so efficient business practices are maintained within the District and in cooperation with businesses, trade associations, governmental, and private agencies.

Oral agreements are not permitted by state law. You may discuss the terms with a contractor, but only a written, completed contract agreement is binding and can form the basis for payment to be made. The District is defined as Mesa County Valley School District 51. The person signing the contract on behalf of the District is guaranteeing payment. Refer to PO-01 for additional information on who can sign contracts.

When do I need a contract?

A contract is necessary anytime services are being performed on campus by individuals or businesses. Examples would include Standard Independent Contractor Agreements for individuals performing services such as speakers, performers, officials, consulting, specialized services such as hearing or Speech therapy, maintenance agreements, hazardous waste collection, etc.

Contracts are also necessary for construction/renovation projects, lease agreements for property and machinery, purchase of property or equipment, computer hardware and software agreements, construction and renovations among other things (See appendix A for a listing of District contract types).

A contract is prepared when the regular terms and conditions which govern the purchase order are not sufficient to cover all of the obligations of the agreement. You can find the purchase order terms and conditions at [\[insert current link\]](#).

Basically, whenever the District may be exposed to liability a contract is needed.

What Is a Contract?

A contract is an agreement between the District and another party to do, or to refrain from doing, a particular thing in exchange for something of value. The agreement contains an offer and an acceptance (meeting of the minds), consideration for the exchange (something of value), spells out the terms of the agreement without ambiguity, and is signed by authorized representatives of the parties with the proper capacity to enter into the agreement. The written contract is an enforceable document and will clarify all understandings and obligations between the District and the contractor in order to prevent any misunderstandings. The terms of the agreement –who, what, where, when, and how of the agreement - define the binding promises of each party to the agreement.

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Contract Compliance is the process of reviewing and managing contracts and agreements that bind the District to commitments with outside parties and the policies that determine how these documents are processed at the District. Contract Compliance shall be the responsibility of the District Attorney and Contract and Purchasing Department.

Contract Administration is the ongoing process of ensuring that the terms and conditions of contracts and agreements are being implemented as agreed to by the parties. Contract administration is the responsibility of Purchasing Department and the District sponsor of the contract or agreement (end user).

Contract administration includes deciding who will be responsible for administering the action once awarded and the system that will be used to *monitor* compliance with the provisions of the agreement.

Contract Terms – Standard Contract Review

All District contracts must be in writing and signed by both parties. The other party shall be clearly named.

General Requirements:

The contract must list the legal name and address of the contractor. The financial terms of the agreement must be clearly specified for instance how much is to be paid and when it will be paid. The responsibility of both parties and the description of services to be performed must be identified. The agreement must be signed by the contractor and the designated District representative.

Prohibited Terms in a Contract include the following:

Indemnification/Hold Harmless: In general, the District as an instrumentality of the State of Colorado cannot indemnify or “hold harmless” the other party in a contract. During negotiations every effort should be made to remove these provisions from the contract. If you are unable to remove these provisions, contact the District Attorney;

Choice of Law/Governing Law/Jurisdiction/Venue: Any provision that calls for the District to submit to any jurisdiction other than the Mesa County Court of Claims must be deleted. All contracts should be governed by Colorado law. If you are unable to exclude or modify this provision, contact the District Attorney;

Confidentiality: As an instrumentality of the State of Colorado, the District is subject to Colorado Open Records laws. As such, any provision that requires the terms of the contract, or specific information obtained during the term of the contract, to be kept confidential must be removed or modified to include “to the extent permitted by Colorado law”;

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Arbitration/Mediation: Any provision that requires the District to submit to binding arbitration or mediation must be deleted.

Liquidated Damages: A liquid damages provision will generally not be approved as they require the District to pay for goods or services not actually rendered. This must (specifically) be approved by the Chief Operations Officer.

Required Terms in a Contract include the following:

Nondiscrimination Clause: Each contract should include a nondiscrimination clause which states, “Both parties will, in the performance of this Agreement, comply with all applicable laws, rules, regulations, and orders regarding equal employment opportunity, immigration, nondiscrimination, including the Americans with Disabilities Act and Affirmative Action.”

Failure of Appropriation: If the District is expending money under the contract over a state budget biennium, the following provisions should be included:

Appropriation/Fiscal Funding

This Agreement is subject to the provisions of the C.R.S. § 22-44-115 and Article X, Section 20(4)(b) of the Colorado Constitution. It shall neither create nor be construed to create any multiple-fiscal year direct or indirect District debt or other financial obligation whatsoever. As well as, Student or Financial Records and a Restriction on the Use of Confidential Information and Insurance.

See appendix A for a listing of District contract types and descriptions.

How do I know which contract form to use?

There are standard contracts and non-standard contracts. Standard contracts are prepared using a template approved by District Attorney.

Non-standard contracts may be agreements created for a specific purpose and/or agreements created on contractor/vendor forms.

Who is authorized to sign a contract?

See Procedure PO-01 and PO-02 for signature threshold and signature authority.

When should the District Attorney review a contract?

- All contracts that require the approval of the Board of Education*;
- All expenditures of \$50,000 or more for construction projects*;
- All multi-year expenditures for the acquisition of services;

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- Real estate transactions, including the sale, rental or lease of real property;
- Contracts/agreements associated with the intellectual property of the District, including licensing agreements, patents, trademarks and copyrights;
- Intergovernmental Agreements (IGA)
- Memorandum of Understanding (MOU) over \$25,000*
- Employment contracts, as necessary per the Human Resources;
- Contracts that can potentially expose the District to significant liability.
- Non-standard contracts must be reviewed and approved by District Attorney.
- Also, anytime there are any questions pertaining to the agreement terms, the contract should be sent to District Attorney for review.

*Contracts, IGAs and MOUs reoccurring on an annual basis and listed in the general operating budget, approved by the Board, need not be reapproved by the Board annually, unless such agreements have changes in the terms of the agreement which result in a financial commitment increase of 5% or more.

Every contract should outline the duties and responsibilities of each of the parties. Contracts where the District is requiring the contractor to perform a service or complete a task or work product, should have a detailed description of the scope of work or service to be performed and time frame for completion. The Scope of Work can be part of the contract or it can be added as an attachment.

The term or length of the agreement, including start date and end date, should be clearly stated in the contract. The basis for early termination should also be clearly stated in the contract.

Obtain insurance certificate from the contractor (if applicable). It is the policy of the District that, when applicable, evidence of insurance required by the District pursuant to an agreement must be submitted prior to final approval and signature. Most contracts contain an insurance provision, which requires the contractor supply the District with proof of insurance coverage relating to the services provided under the contract. Proof of insurance is generally in the form of a certificate of insurance with MCVSD51 named as “Additional Insured”. A contract will not be accepted for review unless the certificate of insurance is submitted as part of the documents. Any modifications to District standard insurance requirements must be approved by the risk assessment and insurance representative of the District, in advance of submitting contract documents. Written confirmation of approval must be submitted as part of the contract documents.

Signatures

- Obtain the contractor’s signature on the contract and rider(s).
- Obtain the authorized District Signature on the contract. It is preferable to have the other party sign the agreement first to ensure the District receives a fully executed copy of the agreement.

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What should I do with the contract once it is completed?

Submit a copy of the agreement and any other required forms such as insurance certificates to Director of Purchasing. All contract documentation will be maintained and monitored in Purchasing Department.

How do I initiate an amendment to the agreement?

Any amendments to the original agreement will be initiated by the department who secured the original agreement. The amendment should flow through the same process as mentioned above.

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Appendix A - District Contract Types and Descriptions

Standard Agreements

Independent Contractor Agreements are negotiated by the District end user with the assistance of the Purchasing Department.

Service Agreement may be used to document an agreement for a business or person acting as a business to perform services for the District.

Grant (Federally Funded) Agreements must be used for services over \$100,000, or as deemed necessary.

Memorandum of Understanding (MOU) may be used for services under \$100,000 and term for services is one year or less.

Intergovernmental Agreement (IGA) is used for agreements between governmental agencies.

AIA for Construction related projects may be used with a General Contractor, Construction Manager, Contracting Engineer Architect or Sub- Contractor to perform construction services. Construction Contracts are negotiated and administered by the assigned buyer and Director of Maintenance. Construction contracts over \$50,000 that have not been preapproved in the general operating budget, must be reviewed by the District Attorney Office and, when necessary, signed off on by the Board of Education.

Purchase Orders are reviewed and/or negotiated by the Director of Purchasing Department and/or Senior Buyer and the District sponsor.

Data Privacy Agreement (DPA) must accompany any software purchase and/or download designated by Technology Department as required. Not all software purchases require a DPA, however anytime a student's personal identity is shared by a 3rd party, it is necessary to have a signed DPA.

Non-Standard Agreements

Computer Hardware or Software Agreement are negotiated by Computer Services to purchase/lease and/or maintain computer hardware or software.

Computer Maintenance Agreement
Agreement to maintain computer software services.

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Employment Contracts are negotiated through the office of Human Resources and are kept in the personnel files in the office of Human Resources.

Equipment Lease Agreement

Agreement to lease equipment such as large computer systems, vehicles, or other large investment items.

Equipment Maintenance Services Agreement

Agreement to provide maintenance services for equipment, to maintain office equipment, vans, elevator, laboratory equipment or other items.

Equipment Purchase Agreement

Agreement to purchase equipment, typically of high value or customized to District requirements.

Facilities Use Agreement

Agreement to permit non-District entities to use District facilities.

Information Technology Contracts are negotiated and administered by the Director of Technology and Director of Purchasing or designee. Technology contracts include the acquisition of software and hardware, licensing agreements, as well as agreements that require outside vendors access to computerized information. All information technology contracts must be reviewed by the Technology Services prior to execution.

Licensing Agreements can be either Information Technology, which are negotiated by the office of Information Technology or licensing of trademarks, which are negotiated by the Athletic Office.

Maintenance Agreement

Agreement to perform maintenance services on District owned or leased equipment.

Outside Employment (Work-Study) Agreements

Agreement with an agency to place student and pay through work-study or internship opportunities.

Real Estate Lease Agreement

Agreement for District to rent real estate from a contractor or renting real estate to a contractor.

Real Property Purchases

Agreement to purchase real estate.

Space Rental Agreement

Agreement to rent space on campus, or other District facility, to a contractor.

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Also, District may rent facilities off campus from a contractor.

Subcontract Agreement- Collaborating Institution

Agreement between District and another entity to subcontract services for a program.

Utilities Service Agreement

An agreement to provide cable, electric, gas, telephone, steam, or other utilities to District facilities.

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The Federal Acquisition Regulation (FAR) 52.209-5 requires that the District obtain written certification from suppliers receiving a purchase order at or exceeding the 9.104-6 simplified acquisition threshold of \$25,000 and made with Federal funds, that they have not been debarred (prohibited) from doing business with the Federal Government.

Certification Requirements

On all orders over \$25,000 using federal funds, the requisitioner/contract administrator must ensure that the supplier is not excluded from Federal procurement.

Verification of the status of a proposed supplier can be obtained from the List of Parties Excluded From Federal Procurement or Non-procurement Programs, issued by the General Services Administration (GSA) located at (SAM) <https://www.sam.gov>. The **System for Award Management (SAM)** is the Official U.S. Government system that consolidated the capabilities of CCR/FedReg, ORCA, and EPLS.

Causes for Debarment or Suspension

The causes for debarment or suspension shall include, but are not limited to, any or all of the following:

1. Violating any federal, state or local law, ordinance, regulation, or District policy found in the Purchasing Procedures in the performance of a contract. The particular provision shall be specifically identified in the notice to vendor.
2. Willfully, or egregiously failing to perform in accordance with the terms and requirements of a contract/purchase order. Such actions shall include deliberate failure without good cause to perform in accordance with the specifications or within the time frame provided in the contract and/or a record of nonperformance or unsatisfactory performance in accordance with the terms of one or more contracts.
3. Intentionally providing false or misleading information, or willfully omitting substantive information on an application, in a bid/proposal, or in correspondence or communication to the District.
4. Colluding with others to restrain competition or fix prices.
5. Attempting to obtain information, by whatever means, related to a bid/proposal submitted by a competitor in response to a procurement solicitation in order to obtain an unfair advantage prior to a contract award.
6. Contacting proposal/bid evaluators or any other person who may have influence over the award, regarding a bid or proposal under consideration without authorization from the District Director of Purchasing, for the purpose of influencing the award of a contract.

Title: Purchasing – Debarment	Procedure No.:	PO-17
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7. Any attempt to bribe or otherwise influence individuals involved in the bid award process.
8. Giving gifts (other than incidental advertising items), meals, or trips to a District employee intending to provide a personal benefit to that employee and not a benefit to the District as a whole or to influence the award of a contract.

Suspension Procedures

The Purchasing Director or designee may suspend a vendor for cause from doing business on any/all School District 51 campuses. The vendor shall be mailed a formal notice of suspension outlining the reasons for, the specific conditions of, and the effective period of the suspension. After the time to appeal the decision has passed, the suspended vendor shall be removed from all solicitations and any bids or proposals submitted by the vendor shall not be considered. The suspension of a vendor may be for a period of up to two (2) years. Upon completion of the suspension period it shall be the responsibility of the vendor to request reinstatement. Such request for reinstatement shall be made in writing. The Purchasing Director or designee may reinstate a suspended vendor when it is demonstrated that the cause for the suspension has been corrected.

Debarment Procedures

A vendor debarment is an exclusion from contracting with the District for an indefinite period of time. A vendor may be debarred from participation in the District procurement process after multiple suspensions or for a single incident of serious misconduct. The Purchasing Director or designee shall notify the vendor of the reason for debarment and any action that the vendor must take in order to be eligible to contract again. After the time to appeal the decision has passed, the debarment shall continue until such time as the vendor takes corrective action as indicated in the debarment notice. The debarred vendor shall be removed from all solicitation mailing lists and any bids/proposals submitted by the vendor shall not be considered.

Appeal Process

Debarment appeals must be submitted in writing to the Purchasing Director within fourteen (14) calendar days after receipt of the formal notice of debarment/suspension. The vendor must provide specific evidence and reasons why the debarment should be reversed. The determination of the Purchasing Director shall be final.

Title: Purchasing – Vendor Registration and Qualification	Procedure No.:	PO-18
	Effective Date:	12/2024
	Supersedes No.:	07/15/2005
	Page No.:	Page 1 of 1

Approved by

Dated

Purpose

The purpose of this procedure is to provide guidance to vendors wanting to do business with Mesa County Valley School District 51 (District).

Procedure

A vendor wanting to do business with District must complete the Vendor Registration Form. This form assists in establishing consistent procurement practices. The form helps to ensure the fair and equitable treatment of all vendors who deal with the District, and it fosters effective, broad-based competition.

Upon submission of the Vendor Registration Form to the District Purchasing Department, the vendor will be entered into the Person/Entity Data Base, IFAS program, and placed on an appropriate vendor list.

The Vendor List contains qualified vendors catalogued by the commodities or services they provide. There is no fee for being placed on the Vendor's List or to receive bid invitations and/or proposal requests. There is no local or State preference except in the case of a tie, where preference is given to the local vendor.

Vendors failing to respond to three (3) consecutive invitations and/or requests are deemed no longer interested and may be removed from the Vendor List. A "NO BID" will retain the vendor's name on the List.


Termination for Cause for failure to perform under an award, or failure to respond to a corrective action may result in removal from the list for one (1) year, or in severe cases, permanently.

REFERENCE:

Board of Education Policy No.

DJB and DJE

Title: Purchasing – Standards of Conduct for Purchasing Personnel	Procedure No.:	PO-19
	Effective Date:	11/2024
	Supersedes	
	Procedure Dated:	
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Approved by  Dated: 12/24

The purpose of this Purchasing Procedure is to provide guidance to Purchasing personnel relative to Standards of Conduct expected of employees in carrying out the Purchasing function. This Purchasing Instruction does not, in any way, supersede or alter the Board of Education policy GBEA (2), entitled "Staff Conduct (and Responsibilities) Conflicts of Interest".

DEFINITIONS

“Purchasing Personnel” – Any District employee using District funds to make a purchase.

RESPONSIBILITY

Purchasing personnel shall comply with the Standards of Conduct established by this Purchasing Procedure. Noncompliance may result in discharge and/or civil court actions under law.

POLICY AND STANDARDS

It is the policy of the Purchasing Department to conduct its business with integrity, honesty and in an ethical manner and to safeguard the rights and reputation of both the School District and its employees from any suspicion or question which may arise as a result of actual or potential conflicts of interest. All Purchasing personnel, as representatives of the School District, must adhere to the following standards when dealing with any supplier:

Consider the interests of the Customer in all transactions and to carry out established Purchasing policies and procedures set forth in this Manual and the Board of Education Policies.

Buy without prejudice, seeking to obtain the maximum ultimate value for each dollar of expenditure.

Rotate the placement of business among local vendors handling the same catalog items, price and other considerations being equal.

Avoid unethical or questionable practices.

EMPLOYEE CONDUCT

Purchasing personnel shall not accept any gift or other special accommodation from potential vendors or use of property or facilities under circumstances which might have the appearance of compromising or adversely affecting the judgment of such personnel or their action in performing their duties.

Title:		Purchasing – Standards of Conduct for Purchasing Personnel	
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Purchasing personnel shall conduct associations with individuals outside the Company (suppliers, dealers, customers, competitors, or other business acquaintances) with the highest degree of personal integrity.

Business Gratuities

Accepting of advertising, novelties, promotional, or other items of no appreciable value with a company name thereon is allowable.

If in doubt as to the possible propriety of such activity, it should be brought to the attention of the Director of Purchasing for guidance.

Employees are required to decline or return any gift or gratuity from existing or potential vendors, subcontractors, or customers which violate the intent of the policy.

Competitive Practices

Fair competition is fundamental to the free enterprise system; accordingly, the Purchasing organization will comply with and support all laws and regulations which prohibit restraints of trade, unfair practices or abuse of economic power. Every effort shall be made to ensure an honest and straightforward relationship with Suppliers and Subcontractors.

Conflicts of Interests

Employees shall avoid situations where their personal interest could conflict with the interests of the School District. Conflicts of interest arise where an individual's position or responsibilities present an opportunity for personal gain separate and apart from normal rewards of employment; or when an employee's personal interests are inconsistent with those of the District and could lead to responsibilities being compromised in favor of personal gain.

Purchasing personnel shall not be responsible for purchasing actions with suppliers who employ a relative in a decision making position, or any other individual which would result in an apparent conflict of interest without prior approval of the Director of Purchasing.

Proprietary or Privileged Information

School District or Supplier information which may be of a proprietary or privileged nature, shall not be disclosed, if such disclosure could have a detrimental impact on Purchasing's or the

Supplier's business interests or reputation.

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Reciprocal Dealing

It is the policy of Purchasing not to engage in reciprocal dealing, but instead to choose its suppliers, subcontractors, etc., solely on the basis of price, quality, and service.

Reciprocal dealing, or awarding one's business to a particular firm because that firm is or becomes a valued customer (or supplier), raises antitrust issues, particularly if the reciprocity is coercive rather than voluntary, or if it is part of a process through which a company systematically exploits its buying (or selling) power to gain additional business.

REFERENCES: Board of Education Policy No. GBEA, GBEA(1)-E, GBEC, C.R.S. 24-18-105

Title: Purchasing – Colorado Open Records Act	Procedure No.:	PO-20
	Effective Date:	11/2024
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What is Colorado Open Records Act (CORA)?

The Colorado Open Records Act, or CORA, allows anyone to request access to public records. Public records include, but are not limited to, writings made, maintained or kept by the school district or its employees, except as otherwise prohibited by law.

CORA Request Procedure

All CORA requests are submitted to the District Communications department via the District Website. The Communications Director will forward to the appropriate Director.

The Communications Director will respond directly to the requestor. Purchasing personnel shall not respond directly to a CORA request. If a request is received directly to Purchasing, refer them to the Communications website for instructions on how to obtain information.

If a vendor submits data marked “proprietary” and it is involved in a CORA request, contact the District Attorney for further instruction on what can or cannot be withheld from a CORA request.

Preemptive measures to avoid a CORA request on Requests for Quotes and Proposal’s include Debriefing meetings with unsuccessful offerors by discussing the strengths and relative weaknesses of their proposal per the solicitation specifications. Evaluation data may be disclosed, however other proposals shall not be discussed. A careful debriefing of unsuccessful proposals can be responsive to most offeror’s desire for information and thus prevent the necessity of a CORA request.

References:

[Board Policy KDB](#) - Public's Right to Know/Freedom of Information

[Board Policy KDB-R](#) - Public's Right to Know/Freedom of Information

Title: Purchasing – Sale and Disposal of School District Property	Procedure No.:	PO-21
	Effective Date:	12/2024
	Supersedes No.:	July 1, 2015
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Dated

Sale of School Property

The Purchasing Director is charged with the responsibility of handling the disposal of unusable and obsolete materials and equipment as delegated by the Chief Operations Officer (COO).

No school property shall be sold without prior approval of the Purchasing Director.

The net proceeds from the sale of school property shall be deposited in the General Fund or Capital Reserve Fund.

Disposal of District Personal Property

Equipment

School District equipment that is obsolete, surplus, or unusable by the District shall be disposed of in such a manner that is advantageous to the District.

The Purchasing Director shall be authorized to dispose of obsolete or surplus equipment and supplies in the following manner:

1. Reassign the items, as needed, to other locations within the school district;
2. Centralize the storage of items of potential usefulness; and/or
3. Discard or sell as surplus those items determined to be of no further use or worthless.

Following approval by the Purchasing Director declaring such personal property to be obsolete, surplus or unusable for school district purposes, items may be sold, disposed, transferred or conveyed in the following manner:

1. Offer to sell items through procedures that will generate the highest possible price. In the event of a public sale, notice of availability of such equipment, supplies and materials and requests for bids shall be disseminated through, postings on its website and/or any other appropriate means. The general public, as well as staff members who are not involved in the purchasing function, shall be eligible to bid on the equipment, supplies and/or materials;
2. Offer to sell, transfer or convey the items to local municipalities, upon such terms and conditions if in the best interests of the District; and

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3. Offer to sell remaining items as scrap for the best obtainable amount or discard in the safest, least expensive manner.

If it is determined that reasonable attempts to dispose of the equipment have been made and such attempts have not produced an adequate return, the Purchasing Director may dispose of the equipment in any manner which he/she deems appropriate.

Textbooks

Textbooks may lose their value to the educational program because of changes in the curriculum or they contain outdated material and/or are in poor condition.

If non-adopted and/or adopted textbooks are no longer useful or usable, the procedures for disposal shall adhere to the following order of preference:

1. Sale of textbooks. If reasonable attempts to dispose of surplus textbooks fail to produce monetary return to the School District; then
2. Donation to charitable organizations, or other School Districts;
3. Permanent Disposal. Not applicable to adopted curriculum.

REFERENCE:

C.R.S. 22-32-110 (1)(e)

C.R.S. 24-18-202,

Board Policy: DN-School Property Disposal

FI-13 Finance – Property Accounting

Title: Purchasing Classroom Furniture - Specifications and Guidelines	Procedure No.:	PO-22
	Effective Date:	12/2024
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Overview

The Purchasing Director is charged with the responsibility of handling the purchasing of school furniture as delegated by the Chief Operations Officer (COO).

When purchasing school furniture, all schools and departments must first view the Warehouse Stores catalog before purchasing furniture from another vendor. If the warehouse does not carry the furniture required, it is acceptable to purchase elsewhere. The purchasing department has a list of preferred furniture vendors to choose from for your convenience.

IMPORTANT!! Furniture brought from home is not allowed in school buildings. Donated furniture must be from another education institution and be approved by the Purchasing Director, prior to placement in the classroom.

Guidelines for the Purchase of School Furniture

Surfaces: Furniture must be *durable* and *cleanable*. Preferred surfaces are plastic, wood, metal, laminate or vinyl. Fabric of any kind is NOT recommended for student furniture.

Warranty: Minimum 10 year warranty. Always view the warranty language. Anything less than 10 years, typically is a sign that the furniture is not durable enough for school use.

ADA Compliant: Student furniture must be ADA compliant.

Chair sizes:

Age Group	Seat Height		
	10'' – 12''	13'' – 16''	Over 17''
Pre-k, K, 1 st Grade	✓		
2 nd and 3 rd Grade	✓	✓	
4 th and 5 th Grade		✓	✓
6 th – 12 th Grade			✓

Title: Purchasing Classroom Furniture - Specifications and Guidelines	Procedure No.:	PO-22
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Desks and tables should be adjustable and should not contain book boxes.

Within the classroom, mobility is very important as class dynamics are constantly changing. Ideally educators should be able to adapt the environment and room layout as the students develop and learn.

Research shows that high-quality, well-designed furniture improves concentration and reduces misbehavior, leading to better learning outcomes, so it is worth taking the time to make the right decision for your students.

REFERENCE:

C.R.S. 22-32-110 (1)(e)

C.R.S. 24-18-202,

Board Policy: DN-School Property Disposal

Title: Purchasing – Bid Protest Procedure	Procedure No.:	PO-23
	Effective Date:	12/2024
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Any actual or prospective bidder, contractor, or vendor who is aggrieved in connection with the solicitation or award of a bid or contract may protest to the Director of Purchasing as set out in this section. The protest shall be submitted in writing to the Director of Purchasing within fourteen (14) calendar days after such aggrieved person knows or should have known of the facts giving rise thereto. The protest shall provide a detailed description of the alleged impropriety in the District’s solicitation or award of the bid or contract, including but not limited to the specific District policy, procedure, or state law allegedly violated.

The director, or his/her designee, shall have authority, prior to the commencement of an action in court or any other action provided by law concerning the controversy, to settle and resolve a protest of an aggrieved bidder, offeror, or contractor, actual or prospective, concerning the solicitation or award of a contract.

If the protest is not resolved by mutual agreement, the director, or his/her designee shall promptly issue a decision in writing. The decision shall state the reasons for the action taken. A copy of the decision shall be mailed or otherwise furnished within five (5) days after it is written to the protestant and any other party intervening. A decision rendered under this regulation shall be final and conclusive.

In the event of a timely protest under this regulation, MCVSD51 shall not proceed further with the solicitation or with the award of the contract until the Purchasing Director, or his/her designee, makes a written determination that the award of the contract without delay is necessary to protect substantial interests of MCVSD51.

When the protest is sustained and the successfully protesting bidder or offeror was denied the contract award, the protesting bidder or offeror may be entitled to the reasonable costs incurred in connection with the solicitation, including bid preparation costs, upon approval of the MCVSD51 Board of Education.

The award of costs shall be allowed only to compensate a party for reasonable expenses incurred in connection with a solicitation for which that party was wrongfully denied a contract award, and shall be allowed only by approval of the MCVSD51 Board of Education for the agreed costs.

The costs which are allowable shall be those which the party is able to prove that are connected with the solicitation in question. No party can recover profit which it anticipates would have been made if that party had been awarded the contract. Attorney's fees associated with the filing and prosecution of the protest are not recoverable.

Title: Purchasing – Bid Protest Procedure	Procedure No.:	PO-23
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Decisions of the Director of Purchasing may be appealed to the Superintendent within seven (7) business days following receipt. Appeals shall be in writing and shall identify the specific provisions of District policy, procedure, or state law allegedly violated. A written decision regarding the alleged violation shall be rendered within 30 days after the protest is filed.

Reference: [NIGP Bid Protest Procedure](#)