

## **PURCHASING**

All purchasing for the school system to be paid from St. Mary Parish School Board funds shall be made by the Superintendent or his/her designee in conformance with existing regulations and procedures of the School Board and the laws pertinent to state and federal agencies. Budget allocations for specific purposes shall constitute advance School Board approval for all purchases except in such cases as state law or School Board policy may require. No debt shall be contracted in the name of the St. Mary Parish School Board without action by the School Board, except those items which are provided for in the regular budget. Purchases shall be made at the lowest possible cost to the school system consistent with the system specifications of quality and service.

Each principal shall assure that purchases by the individual school shall be made in accordance with applicable state and federal law or administrative regulations and procedures developed by the Superintendent and staff.

No employee, officer or agent of the School Board shall participate in the selection, award, or administration of a contract or purchase of supplies, materials and equipment if a conflict of interest, real or apparent, would be involved. School Board employees shall neither solicit nor accept gratuities, favors or anything of monetary value from contractors, potential contractors, or parties to subagreements. All purchasing shall comply with the U.S. Department of Education *General Administrative Regulations* (EDGAR), the *Louisiana Public Bid Law*, the *Louisiana Code of Governmental Ethics*, the *Louisiana Procurement Code*, and applicable state or federal regulations, as applicable.

### USE OF FEDERAL FUNDS

All procurement of materials, supplies, and services, as well as the construction of public works, funded in whole or in part with federal funds shall comply with the requirements contained in Title 2, Section 200, of the Code of Federal Regulations. All procurements using federal funds, in whole or in part, shall employ one of the procedures identified in [2 CFR 200.320](#), if more stringent than those procedures required by Louisiana law. Should the School Board adopt the Louisiana Procurement Code, whether in part or in its entirety, the accompanying administrative regulations as promulgated in the Louisiana Procurement Code, as well as guidelines and policies issued by the Louisiana's Office of State Purchasing relevant to the particular adoption(s) may be applicable to the purchase, if more stringent.

### Solicitations from Small and Minority Businesses, Women's Business Enterprises, and Labor Surplus Area Firms

When spending federal funds, the St. Mary Parish School Board shall take all necessary affirmative steps to assure that minority businesses, women's business enterprises, and labor surplus area firms are used when possible. Affirmative steps shall include:

1. Placing qualified small and minority businesses and women's business enterprises on solicitation lists;
2. Assuring that small and minority businesses, and women's business enterprises are solicited whenever they are potential sources;



3. Dividing total requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation by small and minority businesses and women's business enterprises;
4. Establishing delivery schedules, where the requirement permits, which encourage participation by small and minority businesses and women's business enterprises;
5. Using the services and assistance, as appropriate, of such organizations as the Louisiana Economic Development Agency, and Small Business Administration and the Minority Business Development Agency of the United States Department of Commerce; and
6. Requiring the prime contractor, if subcontracts are to be let, to take the affirmative steps listed in paragraphs 1 through 5 of this section.

#### Exclusion or Rejection of Quotes or Bids

A contract award or a purchase made with federal funds shall not be made to parties listed on the government-wide exclusions in the *System for Award Management* maintained by the U.S. Government, which contains the names of parties debarred, suspended, or otherwise excluded by agencies, as well as parties declared ineligible under statutory or regulatory authority.

#### USE OF STATE FUNDS

Procurement of materials and supplies when using state or locally generated funds shall follow the procurement method as authorized by Louisiana law.

#### Financing Purchases

The School Board may finance the purchase of equipment or other movable property to be used by the School Board by entering into an installment sale, lease, or similar agreement with any lender or other person. If required, such agreement shall be subject to approval of the State Bond Commission in accordance with statutory provisions. No individual school or employee shall obligate the School Board without proper school system personnel knowledge and approval.

#### Use of State Contract

If equipment, materials or supplies are available from a State of Louisiana Contract, the Superintendent and/or his/her designee may approve the purchase without using one of the purchasing procedures outlined in statutory provisions, if advantageous to the School Board.

The School Board may also *piggyback*, or purchase materials and supplies on valid contracts of other political subdivisions in accordance with La. Rev. Stat. Ann. §§33:1321-1337 or La. Rev. Stat. Ann. §38:321.1.

#### Louisiana Procurement Code

State law authorizes School Boards to adopt all or any part of the *Louisiana Procurement Code* as contained in state statutes (La. Rev. Stat. Ann. §§39:1551-39:1755). For proper and efficient operations, the St. Mary Parish School Board may adopt, by resolution or otherwise, pertinent provisions of the *Louisiana Procurement Code*, accompanying administrative regulations as promulgated in the *Louisiana Procurement Code*, as well as guidelines and policies issued by the state's Office of State Purchasing relevant to the procurement of materials, supplies, merchandise, and other types of property.



### Sole Source Provider

The School Board may award a contract for the purchase of supplies, services, or major repairs without competition when the Superintendent or designated employee has determined, in writing, that there is only one source for the supply, service, or major repair item(s) to be acquired. Pertinent procedures for purchasing such items from a sole source shall be as outlined in the State of Louisiana Office of State Purchasing's *Purchasing Rules and Regulations*.

### Qualified Group Purchasing Organizations

A *qualified group purchasing organization* means an organization, whether for profit or not for profit, of which two (2) or more public school districts are members and which solicits proposals or bids from vendors of materials, equipment, or supplies of the type and nature as may be purchased by a public school district or public school.

As provided in La. Rev. Stat. Ann. §38:2212.1, the School Board may enter into an agreement with: (A) one or more School Boards to form a qualified group purchasing organization; or (B) one or more qualified group purchasing organizations for the purchase of materials, equipment, and supplies, including installation thereof. Any such agreement shall require that the qualified group purchasing organization submit a price list for those materials, equipment, and supplies offered by it and that the prices quoted on the list remain in effect for a stated period of time of not less than three (3) months. Any such price list shall be considered, for all purposes, to be a valid and binding bid by the qualified group purchasing organization during the effective period of the agreement, and no additional bid by the qualified group purchasing organization is necessary.

The School Board may purchase materials, equipment, or supplies directly from or through a qualified group purchasing organization if either the price is less than that for the same or substantially similar materials, equipment, or supplies on the state contract or bid list, or if the same or substantially similar materials, equipment, or supplies are not under state contract or on the state bid list. Nothing included in this paragraph shall be construed to authorize the School Board to purchase materials, equipment, or supplies from or through an entity or vendor other than a qualified group purchasing organization as defined herein without using a procurement process otherwise provided by state law.

### Reverse Auction

The School Board may use a reverse auction for the purchase of equipment, supplies, and other materials, in lieu of the more formal bid process when the School Board's procurement officer determines that the electronic bidding is more advantageous and in the best interests of the School Board. *Reverse auction* means a competitive online solicitation process on the Internet.

Prior to the use of the reverse auction, the School Board may require that:

1. Vendors register before opening dates and time, and as part of the registration, require that the vendors agree to any terms and conditions and other requirements of the solicitation.
2. Vendors be prequalified prior to placing bids and allow only bidders who are prequalified to submit bids.
3. The solicitation shall designate an opening date and time and the closing date and time. The closing date and time may be fixed or remain open depending on the structure of the item being bid.

4. At the opening date and time, the School Board shall begin accepting online bids and continue accepting bids until the bidding is officially closed. Registered bidders shall be allowed to lower the price of their bid below the lowest bid posted on the Internet until the closing date and time.
5. Bidders' identities shall not be revealed during the bidding process; only the successively lower prices, ranks, scores, and related bid details shall be revealed.
6. All bids shall be posted electronically and updated on a real-time basis.
7. The School Board shall retain the right to cancel the solicitation if it determines that it is in the School Board's best interest.
8. The School Board shall retain its existing authority to determine the criteria that will be used as a basis for making awards.

Adequate public notice for the purchases of materials, supplies, or equipment, using a reverse auction shall be given as follows:

1. The advertisement or notice shall be published two (2) times in a newspaper in the locality, the first advertisement to appear at least fifteen (15) days before the opening date of the reverse auction. In addition to the newspaper advertisement, the School Board may also publish an advertisement by electronic media available to the general public.
2. The first publication of the advertisement shall not occur on a Saturday, Sunday, or legal holiday.

#### PREFERENCES

To the extent possible, when purchasing with state or locally generated funds, the School Board shall regularly purchase products manufactured, grown, produced or harvested from the state land or waters which are of equal quality to such items produced outside the state, provided the cost of state products does not exceed by more than the statutory percentage the cost of out-of-state products or as otherwise provided by state law. Such products shall be limited to those allowed by state law.

#### VENDORS

The School Board shall seek business and bids from all eligible vendors, regardless of race, creed, color, sex, national origin, age or handicap. No favoritism shall be extended to any vendor. Each order shall be placed on the basis of quality, price and delivery; past services being a factor if all other considerations are equal.

No person officially connected with or employed by the School Board shall be an agent for, or have any pecuniary or beneficial interest in or receive any compensation or reward from any vendor for the sale of supplies, materials and equipment, services or public works contracts.

No employee of the School Board shall solicit or accept, directly or indirectly, anything of economic value as a gift or gratuity from any vendor representative or agent of a vendor, or a prospective vendor or contractor.

#### CREDIT CARDS

The School Board may authorize the use of credit cards or procurement cards by authorized personnel to facilitate the purchase of School Board materials or supplies. Only personnel employed

by the School Board and authorized by the School Board shall be permitted to use any charge card in the name of the St. Mary Parish School Board. No personal usage of any card shall be permitted.

The St. Mary Parish School Board shall authorize the issuance of approved credit cards in the name of the Chief Financial Officer and the St. Mary Parish School Board, based on stipulations of the bank issuing the credit card. Each person authorized by the School Board who is issued a credit card in the name of the St. Mary Parish School Board shall have his/her name and/or picture placed on the issued card, if permitted. Once received, the card shall remain in the possession of the cardholder and he/she shall be held accountable for the card's usage. Documentation (purchase order and/or itemized receipt) shall be required for all purchases, credits or transactions for which the card is used.

The usage of any card issued shall be in accordance with the administrative regulations and procedures outlined by the Superintendent and/or staff. Designated School Board personnel shall be responsible for monitoring all charges, the number and amount of purchases, vendors used, as well as detailed transaction information. Misuse of any School Board credit card may result in discipline and/or personal liability for dishonored, erroneous, or improper charges.

#### Gasoline or Fuel

Purchases of gasoline or fuel by credit cards shall be documented with receipt submitted to the business office and approved by the appropriate supervisor. Documentation of the purchase shall include, at a minimum, vehicle number, description, vehicle odometer reading, number of gallons purchased, price per gallon, and signature of person filling vehicle.

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