

It is the policy of this district to make purchases of goods, services and public works construction by way of a publicly accountable process that respects the shared goals of economy and quality. Further, it is the policy of this district to make purchases in such a manner as to assure the best utilization of district funds. The board, or its designee, reserves the right to determine what is in the best interest of the district. The district will endeavor to purchase goods and services from vendors with a significant Idaho economic presence where required or allowed by federal or state purchasing laws.

The superintendent is authorized to direct expenditures and purchases within the limits of the detailed annual budget for the school year. The superintendent shall establish requisition and purchase order procedures as a means of monitoring the expenditures of funds. Personnel are prohibited from obligating the district relative to a purchase without prior authorization. Staff who obligate the district without proper prior authorization may be held personally responsible for payment of such obligations. Open purchase orders may be used (with a maximum total amount specified) if such procedure will simplify repetitive small purchases.

The board may purchase real property, personal property, services or public works construction as necessary for the operation of the district. The board will comply with the requirements of Idaho law relative to competitive bidding for services and personal property (Policy 850.30), and public works construction (Policy 850.90), as well as this district's Policy 850P1 (Supplemental Purchasing Procedures). Where federal funds are used for purchases of goods, services or public works construction, the district will also follow procurement requirements set forth in 2 CFR Part 200 and Policy 850.20 – Purchases Using Federal Funds.

### **PURCHASES EXCLUDED FROM THE STATUTORY PROCUREMENT PROCESSES UNDER IDAHO CODE §67-2803**

The board will comply with all statutory procurement (bid) requirements unless the expenditure is exempted as provided by law. The following are exempted from the bidding requirements pursuant to Idaho Code §67-2803:

1. The acquisition of personal property when the procurement duplicates the price and substance of a contract for like goods or services that has been competitively bid by the State of Idaho, one of its political subdivisions, or an agency of the federal government.
2. Contracts or purchases where expenditures to procure public works construction are less than one hundred thousand dollars (\$100,000), or where expenditures to procure services or personal property are less than one hundred thousand dollars (\$100,000), provided such contracts and purchases shall be guided by the best interests of the district, as determined by the board. The board may, when practical, call for competitive price quotations for such purchases.
3. Disbursement of wages or compensation to any employee, official, or agent of the district for performance of personal services.
4. Procurement of personal or professional services to be performed by an independent contractor.

5. Procurement of an interest in real property.
6. Procurement of insurance.
7. Costs of participation in a joint powers agreement with other units of government.
8. Procurement of used personal property.
9. Procurement from federal government general services administration (GSA) schedules or federal multiple award schedules (MAS).
10. Procurement of personal property or services through contracts entered into by the division of purchasing of the department of administration of the state of Idaho.
11. Procurement of goods for direct resale.
12. Procurement of travel and training.
13. Procurement of goods and services from Idaho correctional industries.
14. Procurement of repair for heavy equipment.
15. Procurement of software maintenance, support and licenses of an existing system or platform that was bid in compliance with state law.
16. Procurement of public utilities.
17. Procurement of used equipment at an auction if authorized by the Board of Trustees.

**LEGAL REVIEW OF CONTRACTS**

Before entering into a contract that entails the expenditure of fifty thousand dollars (\$50,000) or more, the board or its designee will have the contract reviewed by legal counsel to ensure that the district's interests are adequately protected.

**BUS TRANSPORTATION SERVICES**

In the event the district anticipates expending over fifty thousand dollars (\$50,000) through a contract for bus transportation services, Idaho Code §33-1510 will be followed.

**EMERGENCY EXPENDITURES**

If there is a great public calamity, such as an extraordinary fire, flood, storm, epidemic, or other disaster, or it is necessary to do emergency work to prepare for national or local defense, or it is necessary to do emergency work to safeguard life, health, or property, the board may pass a resolution declaring that the public interest and necessity demand the immediate expenditure of public money to safeguard life, health, or property. Upon adoption of the resolution, the board may expend any sum required in the emergency without compliance with the bidding requirements pursuant to Idaho Code §§33-601(9) and 67-2808(1).

**SOLE SOURCE EXPENDITURES**

The board may purchase services, personal property or public works construction through a sole source procedure where the circumstances set forth in Idaho Code §67-2808(2) exist. Where the board declares its intent to use a sole source procedure, it will follow the procedures set forth in Idaho Code §67-2808(2).

**PROHIBITION OF ENVIRONMENTAL, SOCIAL, AND GOVERNANCE STANDARDS IN CERTAIN CONTRACTS**

In accordance with Idaho Code §67-2347, the district will not accept or deny any contract based on environmental, social, and governance standards. For purposes of this section, “contract” means an agreement for the provision of goods or performance of services in exchange for remuneration between the district and another party that (a) has a value of one hundred thousand dollars (\$100,000) or more; and (b) is not subject to the purchasing provisions of the state department of administration as set forth in Idaho Code §67-5711C or chapter 92, title 67, Idaho Code. As used in this section, “environmental, social, and governance standards” means standards that would screen or score contractors based on subjective ethical or sustainability criteria unrelated to the specifications of a contract or the qualifications of the contractor.

**BUY AMERICAN AND SCHOOL MEALS**

When making purchases for the district’s school lunch program, the district will, to the maximum extent practicable, purchase domestic commodities or products.

For the purposes of this policy, “domestic commodity or product” means: (i) an agricultural commodity that is produced in the United States; and (ii) a food product that is processed in the United States substantially using agricultural commodities that are produced in the United States.

Additionally, the district will require school meal program suppliers to attest that their final food products are either one hundred percent (100%) domestic commodities or a food product containing over fifty-one percent (51%) domestic food components, by weight or volume.

Exceptions to this Buy American requirement may be made when the district determines that:

1. The food or food product is not produced or manufactured in the United States in sufficient or reasonably available quantities of a satisfactory quality; or
2. Competitive bids reveal the cost of a United States food or food product is significantly higher than the non-domestic product.

When such an exception is made, the Superintendent or designee will document such exceptions. Prior to approval of any exception, the Superintendent or designee will consider the use of domestic alternative foods, which consideration will be documented.



**LEGAL REFERENCE:**

Idaho Code Sections

- 33-601 – Real and Personal Property – Acquisition, Use or Disposal of same
- 33-1510 – Contracts for Transportation Service
- 67-2347 – Prohibition of Environmental, Social, and Governance Standards in Public Contracts
- 67-2800 *et seq.* – Purchasing by Political Subdivisions

Federal Regulations

- 2 CFR Part 200, including Appendix II, “Contract Provisions for Non-Federal entity Contracts Under Federal Awards” (EDGAR)
- 7 CFR 210.21(d) – USDA Buy American requirements

**CROSS-REFERENCE:**

- 850P1 – Supplemental Purchasing Procedures
- 850.20 – Purchases Using Federal Funds
- 850.20 – Purchase Procedures for Federal Awards
- 850.30 – Purchasing Services or Personal Property
- 850.90 – Public Works Construction
- 853 – School Building Plan Reviews and Inspection
- 854 – Contractual Certifications and Restrictions

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