

ADMINISTRATIVE REGULATION

No. 606(a)

**Board of Trustees
Douglas County School District**

FINANCES

AUTHORIZATION FOR PURCHASING

The regulations and procedures set forth in this Administrative Regulation shall apply to all purchases of goods, services and public works made by the Douglas County School District, regardless of funding source, except where otherwise required by specific statute or federal regulation.

When federal funds are used, in whole or in part, for a procurement or contract, the District shall comply with applicable federal procurement standards, including the methods of procurement, thresholds, and documentation requirements in 2 CFR § 200.320 and related provisions, in addition to Nevada law and this regulation. The Superintendent or designee shall ensure that written procedures for purchases with federal awards are maintained and followed.

SECTION I - Purchasing Authority:

Purchasing Authority for the District is applicable to the following positions, hereinafter referred to as "Purchasing Agents": 1) Chief Financial Officer, 2) Authorized Buyer(s), 3) Director of School Nutrition Program, 4) Director of Information Technology, and 5) Director of Curriculum and Instruction.

1. The Chief Financial Officer shall have purchasing authority for the purchase of contracted services for the repair of, remodeling of, making additions to, or construction of new District buildings and sites, and is the authorized representative of the Board for such purchases. Additionally, the Chief Financial Officer, with guidance from the Superintendent, is responsible for oversight of all Purchasing Agents of the District.

2. One or more Buyers shall be designated by the Chief Financial Officer and shall serve as the central procurement officer(s) for the District. Except as otherwise provided by policy or regulation, the Buyer is the authorized representative of the Board of Trustees and shall have purchasing authority for the procurement of the following, consistent with state and federal thresholds and methods or procurement:

A. All purchases of items warehoused by the District.

B. All purchases of material and supplies, other than initial textbook and related instructional materials or those related to the School Nutrition Program, when the total cost of the purchase is estimated to be \$3,000 or more. (See Items #3 & 5 below for additional information.)

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- C. All purchases of furniture when the estimated cost is \$3,000 or more.
 - D. All purchases of equipment, other than those related to Information Technology, when the estimated cost of the equipment is \$3,000 or more. (See Item #4 below for additional information.)
3. The Director of the School Nutrition Program shall have purchasing authority for the purchase of food and supplies for use in the School Nutrition Program.
4. The Director of Information Technology shall have purchasing authority of all:
- A. Technology related equipment, materials or hardware, when the estimated cost of the equipment is \$200 or more.
 - B. Any device or equipment, regardless of cost, that connects to the District network wirelessly or wired.
 - C. Any software placed on the District's network and supported / maintained by the Information Technology Department. Any purchase of software intended for installation on the District's network or local workstations shall require pre-approval by the Director of Information Technology.
5. The Director of Curriculum and Instruction shall have purchasing authority of all initial textbook purchases and related instructional materials and software associated with textbook and curriculum adoption.
6. The purchasing authority for all materials, supplies, equipment or services not included in the above provisions is vested in the Site Administrator or Classified Supervisor who has budget authority over the funds to be expended. All Purchasing Agents shall exercise their authority in a manner that supports the District's fiscal solvency plan, including adherence to budget allocations, spending controls, and any additional restrictions adopted by the Board during periods of fiscal distress.

SECTION II - Regulatory Provisions:

All purchases shall be made in accordance with all applicable statutes, regulations and policies, including but not limited to NRS Chapter 332 - "Purchasing: Local Government",

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and any other applicable provisions of Nevada law. Specific subsections defined by NRS Chapter 332, but not addressed in this or other Administrative Regulations are as follows:

1. NRS 332.112 – 332.148: Exceptions to competitive bidding, including emergency contracts and contracts not adapted to award by competitive bidding.
2. NRS 332.175 – 332.225: Powers and duties regarding trade-in and sale of personal property.
3. NRS 332.300 – 332.440: Performance contracts for operating cost-savings measures.

Pursuant to NRS 332.362, the District shall adopt and maintain a policy for evaluating proposals for operating cost-savings measures under performance contracts, including criteria for evaluation, return on investment analysis, documentation for rejected proposals, and annual reports on unadopted measures.

4. NRS 332.800 – 332.830: Prohibited acts, penalties, and collusion among bidders.
5. NRS 332.043 – 332.105: Requirements for solicitations, records, assignments, and bonds.
6. NRS 332.063 – 332.068: Thresholds and procedures for contracts exceeding statutory amounts, including advertisement, boycott of Israel certification, preferences, and protest procedures.
7. NRS 332.066: Preferences for recycled products in certain contracts.
8. NRS 332.115 – 332.117: Exceptions to competitive solicitations, including designated disability training organizations.

In addition to the exceptions referenced in NRS 332.112 – 332.148 and NRS 332.115, Purchasing Agents shall prioritize goods or services from organizations whose primary purpose is training and employment of persons with disabilities, provided a market price survey confirms fair market value and quarterly reports are submitted per NRS 332.117.

9. NRS 332.362: school district-specific requirements to adopt policies for evaluating proposals for operating cost-savings measures under performance contracts.

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In addition to any other applicable penalties or sanctions imposed by law:

- A. Any employee, officer, or agent of the District who purchases any supplies, materials, equipment or services on the credit of the Douglas County School District, in any manner other than as authorized by this regulation, AR606(c) and AR606(e), or related Board policy, may be subject to personal liability for the amount of any such purchase.
- B. Any employee of the District who willfully and knowingly violates any provision of this policy and regulation, or applicable procurement law shall be subject to disciplinary action as deemed necessary and appropriate by the Superintendent or designee, up to and including termination, and may be referred to appropriate authorities if warranted.

SECTION III - General Policies and Provisions for Purchasing Agents:

1. Purchase Order Commitment:

- A. The Purchasing Agent will issue all purchase orders on the basis of competitive prices obtained as required by AR606(b), Nevada procurement law, and, when applicable, federal methods of procurement and competition requirements for purchases made with federal funds.
- B. Departments are encouraged to suggest vendors relative to their requests; final selections of such vendors shall be the responsibility of the Purchasing Agent.
- C. Solicitations may be conducted on-line per NRS 332.047, provided they are secure, allow registration, and are not exclusive if burdensome to offerors. Advertisements must still comply with NRS 332.045.

2. Sales Representatives:

- A. Sales representatives should be directed to contact the appropriate Purchasing Agent.
- B. The Purchasing Agent may refer a sales representative to a department for evaluations of their products, demonstrations or general awareness and assistance for circumstances surrounding authorized direct purchases. Such referrals should not be misconstrued as latitude to circumvent the purchasing process.

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3. Specifications:

The Purchasing Agent shall develop, issue, revise, maintain and monitor the use of specifications for supplies, materials, equipment or services as required by the Douglas County School District.

4. Correspondence:

Correspondence with vendors is the responsibility of the Purchasing Agent. In the event it becomes necessary for an employee to respond directly to a vendor, a copy of the correspondence is to be sent to the responsible Purchasing Agent.

5. Setting of Standards:

It shall be the duty of the Purchasing Agent to classify for standardization the products for use by District departments, to adopt and promulgate such standards relating to the quality and quantity of products consistent with the efficient operation of the District, and to revise or rescind said standards when he or she may deem necessary. All standard specifications must be definite, certain and permit competition, as well as being in written or electronic form.

6. Prerequisite of Submitting Department:

- A. Confirmation of budget appropriation.
- B. Anticipation of requirements to allow sufficient lead-time for the procurement process.
- C. Combining, whenever practical, small orders of like nature.
- D. Foster promptness and efficiency in the communication and transmission of related documents.
- E. It is the responsibility of the Site Administrator or Classified Supervisor of the initiating department to ensure purchase order reflects appropriate details of said purchase.
- F. Expediting payment upon completion of the procurement process.

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G. Matching payment for goods and services with funds from the fiscal year in which said goods and services are received.

7. Boycott of Israel Certification:

A. For any contract for which the estimated annual amount required to perform is more than \$100,000, the Purchasing Agent shall ensure the contract includes a written certification from the company that it is not currently engaged in, and agrees for the duration of the contract not to engage in, a boycott of Israel, as defined in NRS 332.065(5).

B. "Company" and "boycott of Israel" shall have the meanings ascribed in NRS 332.065(5).

8. Preference for Recycled Products:

A. For contracts estimated to exceed \$100,000 annually where the solicitation method is an invitation to bid, the Purchasing Agent shall give preference to bids for recycled products if they meet applicable standards, can substitute for nonrecycled equivalents, and do not cost more than comparable nonrecycled products (mandatory preference) or up to 5% more (permissive preference), per NRS 332.066(1)(a-b).

B. For recycled paper products, preference may be given if available at up to 10% higher cost, of adequate quality, and within a reasonable time, per NRS 332.066(1)(c).

C. "Recycled paper product," "postconsumer waste," and "secondary waste" shall have the meanings ascribed in NRS 332.066(2).

9. Protest Procedures:

A. For contracts estimated to exceed \$100,000 annually, any person submitting a response may file a notice of protest after responses are opened, within the period specified in the solicitation per NRS 332.043.

B. The protest must include a written statement of reasons for alleging a violation of law, and may require posting a bond or security (lesser of 25% of the response value or \$250,000) per NRS 332.068(3).

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C. Filing a protest stays the award until determination; if upheld, the bond/security is returned; if rejected, it may cover District expenses. The District is immune from liability for costs or damages to protesters per NRS 332.068(6).

10. Methods of Procurement for Federal Awards

A. When federal funds are used, Purchasing Agents shall follow the methods of procurement and applicable thresholds for micro-purchases, small purchases, sealed bids, competitive proposals, and noncompetitive procurements as defined in 2 CFR § 200.320 and District procedures implementing that regulation.

B. The Chief Financial Officer or designee shall establish and document the District's micro-purchase and small purchase thresholds for federal awards, consistent with 2 CFR § 200.320 and state law, and shall review such thresholds periodically.

See Policy related to this Administrative Regulation

Date Revised: 8/88

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Date Revised: 8/10

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