Series 3000: Operations, Finance, and Property

3300 Facilities, Real, and Personal Property

3301 Purchasing and Procurement

This Policy applies to all purchases of materials, supplies, and equipment. Purchases acquired through lease financing are governed by this Policy, but true leases (i.e., rental agreements) are not.

A. Responsibility for Purchasing

The District's administration, under the Superintendent's supervision, may purchase items for the District, subject to Policy 2202 subsection C and any other parameters established by the Board.

B. When Competitive Bidding is Required

1. The District must competitively bid the purchase of an item or group of items costing an amount equal to or greater than the then-current state bid threshold published annually by MDE.

2. The District does not need to competitively bid a purchase in an emergency or if competitive bidding is not required by law.

3. The District will not artificially segregate purchases into smaller orders to avoid the bid threshold.

C. Bidding Procedure

1. The District may competitively bid a purchase using 1 or more of the following methods:

a. Requesting written price quotations from at least 3 known and practical vendors of an item;

b. Distributing a request for proposals to at least 3 known and practical vendors of an item;

c. Posting a request for proposals on the District's website or any other website that regularly informs vendors of bid opportunities;

d. Selecting a contract awarded to a winning bidder under a bid process operated by a reputable bid cooperative if the District determines, after reasonable due diligence, that the bid procedure used by the bid cooperative was fair and open, resulted in a bid award to the lowest responsible bidder, and the contract price is comparable to current market rates for the purchased item; or

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e. Any other process, in the Superintendent's or designee's discretion, that is likely to result in at least 3 known vendors providing bids for the item sought, regardless of whether at least 3 bids are actually received.

2. Each bidder responding to a request for proposals must certify that it is not an Iran-linked business as defined by MCL 129.312.

3. Awarding Bids

a. If competitive bidding is required by law, any contract must be awarded by the Board to the lowest responsible bidder.

b. In determining bidder responsibility, the District may take 1 or more of the following into account:

- The District's experience with the bidder;
- Others' experience with the bidder;
- The bidder's history of satisfactory performance or questionable litigation, protests, or disputes;
- The bidder's capitalization and solvency;
- The length of time the bidder has been engaged in its business;
- The recommendation of the District's professional consultants; and
- Any other factor consistently and lawfully applied.

c. In any bid procedure, the District reserves the right to reject any or all bids or waive any informalities or irregularities in the bid process.

4. Michigan-Based Business Preference

a. The District may give up to a 10% preference to a bidder that is a Michigan-based business as defined by MCL 18.1268.

b. The Michigan-based business preference will not apply if federal funds are used for the purchase.

D. Purchases Using State Aid Act Funds

1. The District will not use state aid to purchase foreign goods or services if American goods or services are available, competitively priced, and of comparable quality.

2. The District will give a preference to goods or services manufactured or provided by Michigan businesses if competitively priced and of comparable quality.

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3. The District will give a preference to goods or services manufactured or provided by Michigan businesses owned and operated by veterans if competitively priced and of comparable quality.

E. Purchases Using Federal Funds

Purchases made with federal funds and subject to the federal Uniform Grant Guidance are also governed by Policy 3301A.

Legal authority: 2 CFR 200.1 et seq.; MCL 129.311 et seq.; MCL 380.1274; MCL 388.1764c

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Series 3000: Operations, Finance, and Property

3300 Facilities, Real, and Personal Property

3301A Purchasing and Procurement with Federal Funds

This Policy applies to purchases of property and services with federal funds that are subject to the Uniform Grant Guidance. The federal regulation is incorporated by reference, and all terms in this Policy have the same meanings as defined therein (2 CFR 200.1-99).

A. State Law Requirements Still Apply

Bidding requirements under Policy 3301 and Policy 3306, as applicable, remain enforceable in addition to any requirements in this Policy.

B. Procurement Methods

When bidding is required, the District must use 1 of the following procurement methods that includes information sufficient to inform all potential bidders about the District's technical, service, and bid procedure requirements:

1. Micro-Purchases

   a. In accordance with the requirements of 2 CFR 200.320(a)(1)(iv), the District self-certifies a micro-purchase threshold equal to the state bid threshold established by MDE each year. MDE's publication of the state bid threshold shall be considered the District's adoption, endorsement, and annual self-certification of the micro-purchase threshold.

   b. To the extent District administration determines that the cost of the purchase is reasonable, micro-purchases may be made or awarded without bidding For purposes of this subsection, "reasonable" means the District has determined, supported by documentation, that the purchase is comparable to market prices for the geographic area.

   c. To the extent practicable, the District will distribute micro-purchases equitably among qualified suppliers.

2. Purchases between the Micro-Purchase Threshold and $350,000 (simplified acquisition threshold)

   The District will use a bidding procedure identified in Policy 3301 subsection C.1.

3. Purchases over $350,000

   a. The District must either receive sealed bids through formal advertising or prepare a comprehensive request for proposals and submit it to at least 5 sources.

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b. With either method, the District will perform a price analysis, making an independent estimate of costs before receiving bids.

C. The District will take affirmative steps to ensure that small businesses, minority-owned businesses, women's business enterprises, veteran-owned businesses, and labor surplus area firms are included in bidding opportunities.

D. A person may protest the veracity, conformity, or eligibility of a bid. The District will handle bid protests as follows:

1. within 48 hours of the time when bid results are made available, the protesting person will submit a written protest to the Superintendent describing in detail the nature of the protest;

2. the Superintendent or designee will review the written protest, and the Superintendent may bring it to the Board's attention in the Superintendent's discretion; and

3. a person's failure to file a protest as described above is an irrevocable waiver of the bid protest.

Nothing in this Policy reduces or eliminates the District's rights or protections afforded under the law.

E. The District will retain all bids and formal bid solicitation documents for a period of 6 years after the bid opening date, or longer if required by law.

Legal authority: 2 CFR 200.1 et seq.

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3302 Acquisition of Real Property

The Board may acquire real property for any purpose and through any means permitted by law.

A. Acquisition costs must be reasonable, as determined by the Board. Reasonable cost may not be the same as fair market value.

B. Subject to Board parameters and legal review, the Superintendent may obtain, negotiate, modify, and execute transaction documents for any Board-authorized acquisition of real property.

C. The Board may meet in closed session to discuss the purchase or lease of real property as permitted by law.

D. When title to real property is acquired, the District should provide written notice via registered mail to the local tax assessor by December 31 of the year of acquisition that the property will be tax-exempt.

Legal authority: MCL 15.268; MCL 207.501 et seq., 207.521 et seq.; MCL 380.553, 380.1225, 380.1351 et seq.; MCL 565.351 et seq.

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3300 Facilities, Real, and Personal Property

3303 Gifts and Donations

The Board recognizes and appreciates the generosity and support it receives in the form of gifts, donations, and voluntary contributions ("Donations") from individuals, companies, Parent support groups, the community, and other donors.

The District requests that substantial Donations be accompanied by Form 3303-F Gifts and Donations. All Donations made for a particular purpose must be accompanied by Form 3303-F.

A. Accepting Donations

1. Donations must be lawful and support an educational purpose.

2. Donations accepted by the District will become public funds or public property unless an exception is provided under applicable law.

3. The Board authorizes the Superintendent or designee to accept Donations of personal property on behalf of the Board with an estimated fair market value of $25,000 or less. The Board retains authority, in its discretion, to accept Donations of personal property exceeding $25,000.

4. The Board must approve all Donations of real property, regardless of value.

5. Donations accepted by the District will be used for any specific purpose identified by the donor provided the purpose is lawful and consistent with the District's interests and objectives. A donor may identify the specific purpose of the Donation and any other lawful conditions using Form 3303-F.

6. Except as required by law, the District does not have an obligation to replace a Donation that is lost, destroyed, or becomes obsolete.

7. The Board reserves the right to take any action regarding a donation permitted or required by applicable law.

B. Soliciting Donations

1. The District may solicit donations in accordance with law, which may include pursuing an exemption from registration under the Charitable Organizations and Solicitations Act.

2. Any individual wishing to solicit donations on behalf of the District must obtain prior written approval from the Superintendent or designee before representing any affiliation with the District. Unless otherwise agreed by the Superintendent or designee, the individual will be responsible for all costs and liability related to the solicitation and all received donations will become the District's property.

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C. Scholarships are governed by Policy 3207.

D. A donor is solely responsible for any tax consequences related to a Donation.

Legal authority: MCL 123.905; MCL 400.271, et seq.

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3303-F Gifts and Donations Form

The Board of Education recognizes and appreciates the generosity and support it receives from individuals, companies, Parent support groups, the community, and other donors ("Donors").

The District is a tax-exempt organization that may receive charitable contributions under Internal Revenue Service (IRS) Code Section 170(c)(1). The District is not a tax-exempt organization under Section 501(c)(3). For additional information on deductions related to a donation ("Donation") or charitable contribution, Donors are encouraged to consult with a tax professional. Donations to the District shall be treated as public funds to be used for a public and educational purpose in accordance with state and federal law.

Donor Information

Name of Donor: _____

Contact Person: _____

Address: _____

Phone: _____ Email: _____

If the Donor is an internal support group operating within the District as described under Policy 3106, please provide the following information, if applicable:

Describe student group or club, activity, or event:

_____

_____

_____

_____

_____

_____

_____

Donation Information

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School building associated with Donation: _____

Insert "district-wide" if not associated with a particular school building.

Please indicate type of Donation and complete the appropriate section that follows.

- ☐ Cash Donation
- ☐ Real Property
- ☐ Personal Property (e.g., equipment, supplies)
- ☐ Other (e.g., services, capital projects, or other construction):

Cash or Monetary Donation:

Amount of Donation: $ _____

Do not attach checks to this Form. The District will provide notification of acceptance or, if unable to accept, notification of the reason for non-acceptance.

Personal Property:

Description of Personal Property: _____

_____

_____

Estimated fair market value: * $ _____

Real Property and Capital Projects:

Description of Real Property: _____

_____

_____

Estimated fair market value: * $ _____

Pursuant to Policy 3303, donations of real property require approval by the Board of Education. The Superintendent or designee will contact Donors desiring to gift real property or complete capital projects for additional documentation as identified in Policy 3303.

Other:

Description: _____

_____

_____

* For specific information related to valuation, see IRS Publication 561, *Determining the Value of Donated Property*.

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Donation Purpose

Is the gift or donation for a specific purpose? ☐ Yes ☐ No

If yes, please describe the specific purpose (e.g., the District building, event or student club) as well as any other related details:

_____

_____

Is the Donation for the purchase of a gift or an award for recognition (e.g., volunteer services, student achievement, staff appreciation)? ☐ Yes ☐ No

If yes, please describe the purpose: _____

_____

_____

Do any other terms, conditions, or restrictions apply to the Donation? ☐ Yes ☐ No

If yes, please describe: _____

_____

_____

By signing this form, I understand and agree that:
The information provided is complete and accurate to the best of my knowledge and belief. I acknowledge that I have read and understand Board Policy 3303, Gifts and Donations, and understand that accepted Donations become public funds of the District unless a specific exception applies under law. Donor acknowledges that the District shall not be accountable to replace Donations that are lost, destroyed, or become obsolete. I further represent that I am an authorized representative of the Donor.

Signature: _____ Date: _____

Printed Name: _____

Title or Position (if Donor is other than an individual): _____

For Internal Use

☐ Accepted ☐ Not Accepted Date: _____

Signature of Superintendent or Designee: _____

☐ Donor Contacted by: _____

staff member name

Date: _____

If approved by Board, date of Board meeting: _____

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Series 3000: Operations, Finance, and Property

3300 Facilities, Real, and Personal Property

3304 Use of District Property

A. Definitions

1. "Non-curricular education group" means a non-student group comprised of a substantial number of District students organized for the general benefit of students, such as Boy Scouts, Girl Scouts, 4-H, and other similar groups.

2. "Non-student group" means any group or persons, other than a student group, who requests to use District facilities and are supervised by at least 1 adult responsible for the group.

3. "Student group" means 1 or more students participating in District-sponsored curricular or extracurricular activities supervised by District personnel; or a student-initiated, non-curricular student group, which is permitted to hold meetings and events on school premises. Student groups may include, but are not limited to, an athletic team, student council, academic team, or student club.

B. General Facilities Use Guidelines

1. Rental fees for District facilities and equipment will be set by the Superintendent or designee.

2. Any person or group using District facilities must maintain order and safety, protect property, and restore the facilities to their condition before use.

3. The District may seek reimbursement from a user of its facilities for any costs the District incurs in opening, restoring, or cleaning such facilities.

4. The Superintendent or designee may deny a request to use the District's facilities or equipment if the Superintendent or designee believes that the person or group does not have sufficient financial resources to cover costs required by this Policy or is unwilling to pay them.

5. No person or group using District facilities under this Policy may charge a fee for admission or parking unless approved in writing in advance by the Superintendent or designee.

6. Any person or group using the District's facilities for any purpose must comply with all applicable laws, Board Policies, rules, and regulations.

7. For a non-student group that wishes to use a facility, a supervising adult must submit a written facility use request to the Superintendent or designee. The request, applicable rental fee, and other required documents must be received by the Superintendent or designee before any facility use will be considered.

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The supervising adult assumes primary responsibility for complying with subsection B.2.

8. Leasing District property is addressed in Policy 3305.

C. Use of District Facilities by Student Groups

1. The applicable building principal may determine the time and place of a student group's use of available District facilities.

2. Student groups may use available District facilities without charge.

3. The District may bear any costs associated with use by a student group (e.g., fees paid to a cook or a custodian).

4. Student groups have priority to use District facilities over non-student groups.

D. Use of District Facilities by Non-Student Groups

1. The Superintendent or designee may authorize or limit the use of District facilities by non-student groups consistent with this Policy and applicable law.

2. When any non-student group requests to use District facilities, the group may be required to provide proof of insurance, naming the District as an additional insured, with coverage acceptable to the Superintendent or designee.

3. Use must occur while the facility is available, with minimal interference to scheduled activities, custodians, or other student and personnel facility use.

4. The facility use will occur at times and places determined by the Superintendent or designee.

5. If non-student groups are authorized to use District facilities, the Superintendent or designee will prioritize their use in the following order:

a. non-curricular education groups;

b. community groups solely or jointly supporting the District (e.g., booster clubs, PTO);

c. government organizations within the District's geographic boundaries;

d. non-profit organizations whose activities are open to the general public and serve the community; and

e. all other non-student groups.

The Superintendent or designee has sole discretion to determine the classification of a non-student group.

6. The District's facilities are not public for a and a non-student group's access to such facilities does not create a public forum.

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7. Denial of access

    a. The Superintendent or designee may reject a non-student group's request to use District facilities if the group's use of the facilities is for a commercial purpose. A booster club or other organization raising money purely for the support of a student group and not for personal profit is not considered a commercial purpose.

    b. The Superintendent or designee may lawfully restrict, exclude, or impose conditions on a person inappropriately using District facilities or violating this Policy. A person who refuses to comply may be considered a trespasser.

E. Use of Specialty Facilities by Application and Agreement

1. The District permits non-commercial use of the following facilities by persons for their personal health and wellness: weight room, track, pool and associated locker-room facilities (the "Specialty Facilities"). The District may authorize use of the Specialty Facilities on an annual basis on conditions determined by the Superintendent or designee, which may include a waiver and use agreement.

2. A person using the Specialty Facilities must comply with applicable provisions of this Policy.

3. A person failing or refusing to abide by this Policy may lose the privilege of using the Specialty Facilities.

4. Users of Specialty Facilities acknowledge that they have reduced privacy rights while on District property and that lockers may be subject to search by District officials.

F. Using District Personal Property

1. A person may use District personal property for non-school use only with the prior permission of the Superintendent or designee.

2. The District may seek reimbursement from a user of its personal property for any costs the District incurs in repairing or replacing such personal property.

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3300 Facilities, Real, and Personal Property

3305 Sale or Lease of District Property

The District may, in accordance with applicable law, sell, lease, or otherwise convey (each, a "transfer") its property, whether real or personal. Subject to Board parameters and legal review, the Superintendent may obtain, negotiate, or modify transfer documents for any Board-authorized transfer of District property.

A. The District may consider both solicited and unsolicited offers to transfer its property. The District may market its property through any lawful process, including employing a real estate broker, publicly listing the property for a specific price, soliciting bids, or holding an auction.

B. The Superintendent or designee will contact the District's financial advisor or legal counsel to investigate any tax consequences from the transfer of District property financed with tax-exempt obligations.

C. The District may only transfer its property in exchange for fair value, which value may be non-monetary. An appraisal may be obtained but is not required.

D. The District may not impose a deed or use restriction that is prohibited by law.

E. The transfer of District real property is exempt from transfer tax.

Legal authority: Const 1963, art 9, § 18; MCL 123.1045; MCL 207.505, 207.526

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3300 Facilities, Real, and Personal Property

3306 Construction Bidding

The Board will comply with applicable laws and this Policy for the construction of a new school building or an addition to or repair or renovation of an existing school building (a "Construction Project").

A. When Competitive Bidding is Required

1. The District must competitively bid all labor and material for a Construction Project if the project cost exceeds the then-current state bid threshold published annually by MDE (the "Bid Threshold").

2. The District must competitively bid energy conservation improvements, operational improvements, or the removal or treatment of asbestos or other material injurious to health for school facilities, if authorized under Revised School Code Section 1274a and the cost exceeds the Bid Threshold.

3. The District does not need to competitively bid a:

   - Construction Project costing less than the Bid Threshold;
   - contract for repair in emergency situations;
   - repair normally performed by District employees; or
   - professional consultant contract.

B. Bidding Procedure

1. If competitive bidding is required, the District must follow the bidding procedure prescribed by Revised School Code Section 1267 and award contracts to the lowest responsible bidder.

2. To determine whether a bidder is a responsible bidder, the District may consider the factors enumerated in Policy 3301 subsection C.3.b.

3. If competitive bidding is not required, the District may use any lawful means to procure contracts.

4. Each bidder must certify that it is not an Iran-linked business as defined by MCL 129.312.

5. If federal or state prevailing wage requirements apply, project specifications must include the schedule of minimum rates to be paid to each relevant class of construction mechanic or laborer. If state prevailing wage requirements apply, the schedule of minimum rates must also be printed on bid forms.

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C. Alternates

1. Bid specifications may require bidders to submit bids with mandatory alternates or allow bidders to submit voluntary alternates; provided, however, that no voluntary alternate may change the nature of the work.

2. The Board, in its discretion, may award bids based on allowable alternates.

D. Michigan Business Preference

For any Construction Project, the District may apply a preference to a Michigan-based business as described in Policy 3301 subsection C.4.

E. Construction Bidding Using State Aid Act Funds

The purchase of property and services made with state aid must comply with the requirements described in Policy 3301 subsection D.

F. Construction Bidding Using Federal Funds

The purchase of property and services made with federal funds subject to the Uniform Grant Guidance are also governed by Policy 3301A.

Legal authority: 40 USC 3141, et seq.; 2 CFR 200.1, et seq.; MCL 129.311 et seq.; MCL 380.1267; MCL 388.1764c; MCL 408.1101, et seq.

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3307 Construction Administration

This Policy sets forth procedures and requirements for District building and site improvements. Bidding requirements for construction appear in Policy 3306.

A. Plan Review

1. Before commencing construction, the District, or an authorized agent on the District's behalf, will submit project plans and specifications to the Michigan Bureau of Construction Codes Plan Review Division.

2. Alternatively, the District may submit the plans and specifications to the applicable local building department if the Board and the municipality's governing body have properly certified that full-time code officials, inspectors, and plan reviewers registered under the Skilled Trades Regulation Act will conduct plan reviews and inspections. In that situation, the District must also submit the plans and specifications to the Bureau of Fire Safety.

3. If required by Revised School Code Section 1263, before building a new high school or expanding a high school by at least 20% of its existing square footage, the District, or an authorized agent on the District's behalf, will submit the site plan to the local zoning authority for administrative review.

4. Before the District commences new construction or major renovation of a school building or athletic facility, the Superintendent or designee will consult with the law enforcement agency that will be the first responder for that building or facility about safety issues.

B. Professional Consultants

1. If the total cost of a school building construction project will be $15,000 or more:

   a. a Michigan-licensed architect or professional engineer must prepare the plans and specifications; and

   b. a qualified person or firm must supervise construction as provided in MCL 388.852.

2. The District may hire a construction manager for any project. If the construction manager also performs construction, either directly or by assuming responsibility for the work of other contractors (e.g., construction manager as constructor):

   a. the construction manager may not supervise such construction under MCL 388.852; and

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b. the District must still bid the project as required by law.

C. Payment and Performance Bonds

1. For all contracts described in MCL 129.201 that exceed $50,000, the principal contractor must procure performance and payment bonds in accordance with law.

2. Unless the Superintendent or designee determines otherwise, the District requires payment and performance bonds to be 100% of the contract sum.

3. The responsibility for procuring payment and performance bonds rests solely with the contractor. The District has no duty to ensure that a contractor has procured a payment or performance bond.

D. Prevailing Wage

1. Bid materials, project specifications, and contract documents must comply with applicable federal and state law prevailing wage requirements.

2. The responsibility for paying prevailing wage rates rests solely with the contractor. The District has no duty to ensure that a contractor has paid prevailing wage rates.

Legal authority: 40 USC 3141, et seq.; MCL 129.201 et seq.; MCL 339.6001 et seq.; MCL 380.1263, 380.1264; MCL 388.851 et seq.; MCL 408.1101, et seq.

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3308 Distribution of Printed Material and Advertising in School

District facilities may be used to advertise or distribute printed information for commercial or promotional purposes ("Advertisement") in accordance with this Policy. An approved Advertisement does not reflect the District's approval or endorsement of any product, organization, service, or issue referenced in the Advertisement. An Advertisement does not include public recognition or commemoration of District or student organization donors and sponsors.

A. General Restrictions on Advertisements

1. No Advertisement may:

   - violate law or Policy or urge a violation of law or Policy;
   - lie or mislead;
   - advocate the use, or advertise the availability, of tobacco (including e-cigarettes), alcohol, cannabis/marihuana, illegal drugs, or related paraphernalia;
   - contain a statement or image that describes or displays profanity, pornography, sexual activity, nudity, violence, serious injuries, or corpses;
   - incite violence or advocate the unlawful use of force;
   - invade a person's privacy;
   - violate a trademark, copyright, patent, or other intellectual property right;
   - include material inappropriate for the maturity level of the students exposed to the Advertisement; or
   - create a likelihood of a material and substantial disruption.

2. The District may regulate Advertisement content within legally permitted parameters.

3. The District may determine the size, location, and times of display of all Advertisements.

B. Student Group Advertisements

1. A student group is 1 or more students participating in District-sponsored curricular or extracurricular activities supervised by District personnel, such as an athletic team, student council, academic team, or student club.

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2. A student group may use District facilities for that group's Advertisements with the prior approval of the applicable building principal or designee.

3. A non-student group Advertisement that appears within materials produced or distributed by a student group (e.g., yearbooks, student newspapers, and athletics or student club publications) is considered a non-student group Advertisement.

C. Non-Student Group Advertisements

1. A non-student group Advertisement is any Advertisement that is not considered a student group Advertisement or District speech.

2. A non-student group Advertisement must:

- include a statement explaining that the group is not affiliated with, or endorsed by, the District;
- receive prior approval from the Board or Superintendent or designee; and
- be subject to a written contract with the District describing each party's obligations and rights.

3. A non-student group Advertisement may not reference a political candidate or ballot question.

4. A non-student group Advertisement, if approved, [does not create a forum for speech or expression. [Note: Consult legal counsel for forum analysis.]

D. School Bus Advertisements

1. An Advertisement may not appear on the exterior of a school bus.

2. The District may allow an Advertisement in a school bus interior to the extent consistent with MDE's "Advertising Inside School Buses" guidelines: https://www.michigan.gov/documents/mde/Advertising_Inside_School_Buses_325476_7.pdf. A school bus Advertisement is otherwise subject to the same restrictions and approval procedures as other Advertisements.

E. District Speech

An Advertisement does not include material used to promote, inform, or collect funds for a product or service the District uses or authorizes in the performance of its educational operations, regardless of whether the product or service is provided by a non-student group. That material is considered the District's speech. Examples include, but are not limited to, material distributed by District vendors whose products or services the District uses or encourages students or staff to use.

Legal authority: MCL 257.1833

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3309 Bus Inspections

A. Each school bus used to transport students to or from school or school-related events must meet or exceed safety standards required by law.

B. The Michigan State Police or its authorized designee must inspect a new school bus before the District accepts delivery. The District may not accept delivery of a new school bus unless it passes inspection.

C. The Michigan State Police or its authorized designee must inspect each school bus annually. Use of a school bus may be approved, restricted, or prohibited based on the results of an inspection.

D. Any entity providing school bus services to the District may only use school buses that have passed inspection by the Michigan State Police.

Legal authority: MCL 257.1810, 257.1839, 257.1841, 257.1843

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