

INTERNATIONAL AMERICAN EDUCATION FEDERATION, INC.
DBA
INTERNATIONAL LEADERSHIP OF TEXAS
BOARD POLICY MANUAL
POLICY GROUP FISCAL MANAGEMENT
GUIDELINE FMPF
PURCHASING AND CONTRACTING
FROM FEDERAL FUNDS
FOR GENERAL SERVICES, PERSONAL PROPERTY, MATERIALS AND SUPPLIES

Sec. 1. Purpose of Policy.

The Board of Directors (hereafter, the “Board”) and Superintendent of International American Education Federation, Inc. doing business as International Leadership of Texas (hereafter, the “District”) shall endeavor to maximize the use of District funds to purchase goods and services to further the District’s mission and facilitate the implementation of the charter program. Through this policy, the Board shall address the legal requirements, as applicable, promulgated at:

- (a) Texas Education Code, Section 12.115(a)(2);
- (b) Code of Federal Regulations, Title 2, Part 200 (“2 CFR 200”); and
- (c) Financial Accountability System Resource Guide, Module 10.

Sec. 2. Applicability of Policy.

This policy pertains to the purchase of goods and services generally (hereafter, “general purchases”) from federal funds and does not apply:

- (a) To the purchase of general goods and services from state funds;
- (b) To the purchase of goods and services for the construction, renovation, or repair of a structure, road, highway, or other improvement or addition to real property (hereafter, “real property improvements”) with a cost or value exceeding \$50,000; or
- (c) To the procurement of professional services.

With respect to (a), (b) and (c) above, the policy for Purchasing and Contracting from State Funds for General Services, Personal Property, Materials and Supplies (FMPG), Purchasing and Contracting for Public Works (Policy FMPW) and Purchasing and Contracting for Professional Services (Policy FMPS) shall apply, respectively.

Sec. 3. Designee(s).

In this policy, where the Superintendent is authorized to delegate authority to a designee (as denoted by the phrase “or designee”), the Superintendent may delegate such authority to a designee. If the Superintendent delegates authority to a designee, the Superintendent shall do so in writing through an administrative procedure, job description or internal memorandum. The Superintendent may not delegate authority for contracts and/or transactions with a cost or value exceeding \$50,000 from funds administered by the Texas Department of Agriculture¹ and \$150,000 from other local, state or federal funds.² Any delegation of authority to a designee not documented as set forth in this section shall be null and void.

¹ Conforms to Section 17 of the Administrators Reference Manual issued by the Texas Department of Agriculture.

² Conforms to 2 CFR 200.88 and 200.320.

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Sec. 4. Policy Incorporated by Reference.

Sections 4, 5, 6, 7, 8, 9.1, and 9.3.2 of the policy for Purchasing and Contracting from State Funds for General Services, Personal Property, Materials and Supplies (FMPG) are incorporated herein by reference. With respect to Section 8.4.2. of Policy FMPG, reference should be made to Section 5 of this policy instead of Section 9 of Policy FMPG.

Sec. 5. Authorized Procurement Methods.³

The Superintendent or designee shall procure or cause the procurement of goods and/or services through the following methods for the amounts indicated.

Sec. 5.1. Procurement by Micro-Purchase Procedure.

The Superintendent or designee may procure goods and/or services that have a cost or value of less than \$3,500 through the most expedient manner available. However, to the extent practicable, the District must distribute micro-purchases equitably among authorized vendors. Additionally, if a purchase is made without competitive soliciting quotes, District employees must document that the price was reasonable.

Sec. 5.2. Procurement by Small Purchase Procedure.

The Superintendent or designee shall procure goods and/or services that have a cost or value of no less than \$3,500 and no more than \$50,000 from funds administered by the Texas Department of Agriculture or \$150,000 from other federal funds through the solicitation of three written competitive quotes from authorized vendors.

Sec. 5.3. Competitive Bids.

The Superintendent or designee shall procure goods and/or services that have a cost or value of \$50,000 or more from funds administered by the Texas Department of Agriculture or \$150,000 or more from other federal funds through competitive bids from authorized vendors.

Sec. 5.3.1. Procurement by Sealed Bids.

Sec. 5.3.1.1. The Superintendent or designee shall procure goods and/or services through the public solicitation of sealed bids if the following conditions apply:

- (a) A complete, adequate, and realistic specification or purchase description is available;
- (b) Two or more responsible bidders are willing and able to compete effectively for the business; and
- (c) The procurement lends itself to a firm fixed price contract and the selection of the successful bidder can be made principally on the basis of price.

³ Conforms to Texas Education Code, Section 12.115(a)(2), 2 CFR §§ 200.302, 200.303 and 200.320 and the Administrator's Reference Manual issued by the Texas Department of Agriculture.

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Sec. 5.3.1.2. If sealed bids are used, the following requirements apply:

- (a) Bids must be solicited from an adequate number of authorized vendors, providing them sufficient response time prior to the date set for opening the bids;
- (b) The invitation for bids, which will include any specifications and pertinent attachments, must define the items or services in order for the bidder to properly respond;
- (c) All bids will be opened at the time and place prescribed in the invitation for bids;
- (d) A firm fixed price contract award will be made in writing to the lowest responsive and responsible bidder. Where specified in bidding documents, factors such as discounts, transportation cost, and life cycle costs must be considered in determining which bid is lowest. Payment discounts will only be used to determine the low bid when prior experience indicates that such discounts are usually taken advantage of; and
- (e) Any or all bids may be rejected if there is a sound documented reason.

Sec. 5.3.1.3. Upon approval by the Board, the Superintendent or designee shall award a firm fixed price contract to the lowest responsible bidder with the bid that conforms with all the material terms and conditions of the invitation for bids.

Sec. 5.3.2. Procurement by Competitive Proposals.

Sec. 5.3.2.1. If conditions are not appropriate for the use of sealed bids, the Superintendent or designee shall procure goods and/or services through competitive proposals if the following requirements are met:

- (a) Requests for proposals must be publicized and identify all evaluation factors and their relative importance;
- (b) Any response to publicized requests for proposals must be considered to the maximum extent practical;
- (c) Proposals must be solicited from an adequate number of qualified sources;
- (d) The District must have a written method for conducting technical evaluations of the proposals received and for selecting recipients;
- (e) Contracts must be awarded to the responsible firm whose proposal is most advantageous to the program, with price and other factors considered; and
- (f) The District may use competitive proposal procedures for qualifications-based procurement of architectural/engineering (A/E) professional services whereby

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competitors' qualifications are evaluated and the most qualified competitor is selected, subject to negotiation of fair and reasonable compensation.⁴

Sec. 5.3.2.2. The District shall award either a fixed price or cost reimbursement type contract.

Sec. 5.4. Procurement by Noncompetitive Proposals.

The Superintendent or designee may procure goods through the solicitation of a proposal from only one source only when one or more of the following circumstances apply:

- (a) The item is available only from a single source;
- (b) The public exigency or emergency for the requirement will not permit a delay resulting from competitive solicitation;
- (c) The Federal awarding agency or pass-through entity expressly authorizes noncompetitive proposals in response to a written request from the District; or
- (d) After solicitation of a number of sources, competition is determined inadequate.

Sec. 5.5. Bid Specifications.

The Superintendent or designee shall prepare bid specifications for each requested competitive bid. The Superintendent or designee shall not accept any bid that does not conform to the bid specifications or that is received after the deadline for submitting a bid.

Sec. 5.6. Withdrawal by Bidder.

The bidder may withdraw a bid at any time prior to the scheduled time for the bid opening.

Sec. 5.7. Bid Opening.

The Superintendent or designee shall invite the public and all bidders to attend the bid opening.

Sec. 5.8. Rejection of Bids.

The Board, Superintendent or the Superintendent's designee may reject any and all bids.

Sec. 5.9. Recommendation to Board.

For purchases with a cost or value exceeding \$50,000 from funds administered by the Texas Department of Agriculture or \$150,000 from other local, state and federal funds, the Superintendent or designee shall recommend to the Board the vendor with lowest conforming bid

⁴ The method, where price is not used as a selection factor, can only be used in procurement of A/E professional services. It cannot be used to purchase other types of services though A/E firms are a potential source to perform the proposed effort.

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that provides the best value to the District. In making a recommendation, the Superintendent or designee shall consider:

- (a) The total cost of the goods and/or services;
- (b) The reputation of the vendor and of the vendor's goods and services;
- (c) The quality of the vendor's goods and/or services;
- (d) The extent to which the goods and/or services meet the District's need(s);
- (e) The vendor's past relationship with the District;
- (f) The total long-term cost to the District to acquire the vendor's goods and/or services; and
- (g) Any other factor specifically listed in the request for bids.

Sec. 6. Other Federal Procurement Standards.

In addition to this policy, the Superintendent or designee shall procure goods and services utilizing federal funds pursuant to other applicable federal procurement standards.

Sec. 7. Administrative Procedures.

The Superintendent or designee shall prepare and formally adopt administrative procedures as reasonably necessary to properly administer this policy and to adhere to applicable law.