



# MAGNOLIA PUBLIC SCHOOLS

Board Of Directors

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Board Agenda Item #	I.E.
Date:	03.10.2016
To:	Magnolia Board of Directors
From:	Caprice Young, Ed.D., CEO & Superintendent
Staff Lead:	Oswaldo Diaz, Chief Financial Officer
RE:	Approval of Changes in Financial Policies and Procedures Relating to Bidding Requirements

## **Proposed Board Recommendation**

I move that the Board approves the changes to the Policies and Procedures relating to Bidding Requirements.

## **Background**

Magnolia Public Schools' Policies and Procedures require that competitive bidding be utilized to procure goods and services in accordance with the approved procedure. In order to align to best practices, additional paragraphs have been included to provide clarification relating to conflict of interest, acceptance of gratuities, and disciplinary actions.

## **Revised Policies**

The following policies have been updated:

Purchasing  
PUR107 - Bidding Requirements

## **Attachments**

PUR107 Bidding Requirements

Name of Staff Originator: Oswaldo Diaz, Chief Financial Officer

**SOP # PUR107 Revision: 1**  
**Effective Date: 3/10/16**

**Prepared by: Central Office**  
**Approved by: BOD**

**Title: PUR107 BIDDING REQUIREMENTS**

**Policy:** To ensure the establishment of bidding requirements relating to multi-year service contracts, and to maintain the internal controls of the selection process.

**Purpose:** To provide the methods for determining a bidding process, documentation requirements, and award of contracts.

**Scope:** This procedure applies to all vendors of services.

**Responsibilities:**

Purchasing Agent or School Principal is responsible for providing a summary and justification related to the potential proposal.

Selection Committee is responsible for the review and recommendation of all contracts over \$25,000.

Chief Executive Officer and/or Chief Financial Officer is/are responsible for the examination of the bidding and selection process of all contracts above \$25,000.

Board of Directors are responsible for the approval of all bidding contracts above \$25,000.

**Procedure:**

**1.0 BIDDING REQUIREMENTS AND PROCESS**

1.1 New service contracts in excess of \$25,000 shall be formally bid in accordance with the following:

- Request for Proposals (RFP): RFP requirements should include contract purpose, background, description of service, general information, time requirements, proposal requirements, and evaluation process.
- Public Notice: RFP will be posted in the Organization's website.
- Prospective Vendors: Selection Committee shall maintain a list of prospective vendors for the various categories of products and services purchased by the organization. All schools or departments should refer prospective vendors to the purchasing department for inclusion in the bidder file.
- Pending Bid File: A file shall be maintained by the selection committee of all invitations to bid currently pending.
- Evaluation: Evaluation of services and vendors will be in accordance with the RFP specifications and policy PUR101 vendor selection.

- Bidder Files: Bidder files shall be maintained retaining the bids, bid comparison sheets, other submittals, and rationale in award. These bids shall be made available for the public upon request for a period of ninety (90) days after which time they will be archived for two (2) years.

<b>Vendor Selection Requirements</b>			
	<b>Less than \$5,000</b>	<b>Between \$5,000 and \$25,000</b>	<b>Greater than \$25,000</b>
Bid process required?	No	Quotes or estimates	RFP
Acceptable forms of price comparison	N/A	Email, published catalogs, written	Written only
Minimum number of bids required	0	3	3
Submit bid documentation to the Procurement Office?	No	Yes	Yes

## **2.0 NONCOMPETITIVE NEGOTIATIONS**

2.1 Noncompetitive negotiations may be used for procurements in excess of \$25,000 when bidding or competitive negotiations are not feasible. MPS may purchase goods and services through non-competitive negotiations when it is determined in writing by the Chief Executive Officer that competitive negotiation or bidding is not feasible and that:

- An emergency exists which will cause public harm as a result of the delay caused by following competitive purchasing procedures, or
- The product or service can be obtained only from one source, or
- The contract is for the purchase of perishable items purchased on a weekly or more frequent basis, or
- Only one satisfactory proposal is received through RFP, or
- The charter authorizer has authorized the particular type of noncompetitive negotiation.

## **3.0 STANDARDS OF CONDUCT**

The following Standards of Conduct shall govern the performance, behavior and actions of MPS including, employees, officers, directors, volunteers and agents, who are engaged in any aspect of procurement, including – but not limited to – purchasing goods and services; awarding contracts and grants; or the administration and supervision of contracts.

As representatives of MPS, all employees, officers, directors, volunteers and agents are expected to conduct themselves in a professional and ethical manner, maintaining high standards of integrity and the use of good judgment. Employees are expected to be principled in their business interactions and act in good faith with individuals both inside and outside MPS.

### 3.1 Conflict of Interest

- No employee, officer, director, volunteer or agent of the MPS shall participate in the selection, award or administration of a bid or contract supported by federal funds if a conflict of interest is real or apparent to a reasonable person.
- Conflicts of interest may arise when any employee, officer, director, volunteer or agent of the MPS has a financial, family or any other beneficial interest in the vendor firm selected or considered for an award.
- No employee, officer, director, volunteer or agent of the MPS shall do business with, award contracts to, or show favoritism toward a member of his/her immediate family, spouse's family or to any company, vendor or concern who either employs or has any relationship to a family member; or award a contract or bid which violates the spirit or intent of Federal, State and local procurement laws and policies established to maximize free and open competition among qualified vendors.
- MPS's employees, officers, directors, volunteers or agents shall neither solicit nor accept gratuities, gifts, consulting fees, trips, favors or anything having a monetary value in excess of twenty-five dollars (\$25) from a vendor, potential vendor, or from the family or employees of a vendor, potential vendor or bidder; or from any party to a sub-agreement or ancillary contract.

### **4.0 ACCEPTANCE OF GRATUITIES**

MPS's employees, officers, directors, volunteers or agents shall neither solicit nor accept gratuities, gifts, consulting fees, trips, favors or anything having a monetary value from a vendor, potential vendor, or from the family or employees of a vendor, potential vendor or bidder; or from any party to a sub-agreement or ancillary contract.

### **5.0 DISCIPLINARY ACTIONS**

Any MPS member, employee or designated agent of MPS who knowingly and deliberately violates the provisions of this code will be open to civil suit without the legal protection of MPS. Furthermore, such a violation of these procurement standards is grounds for dismissal by MPS as an employee, officer, director, volunteer or agent; or other such sanctions as available under the law.

Any contractor or potential contractor who knowingly and deliberately violates the provisions of these procurement standards will be barred from future transactions with MPS.

### **Revision History:**

<b>Revision</b>	<b>Date</b>	<b>Description of changes</b>	<b>Requested By</b>
0	<b>2/16/15</b>	Initial Release	Oswaldo Diaz, CFO
1	<b>3/10/16</b>	Policy Revision	Oswaldo Diaz, CFO

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