

PURCHASING STANDARDS

I. Purpose

The purpose of Policy DJ is to establish the responsibility and procedures for the awarding of contracts for school buildings, improvements, supplies, equipment, school materials, and services used by Washington County Public Schools (WCPS).

II. Background

The awarding of contracts for school buildings, improvements, supplies, equipment, school materials, and services represents a significant expenditure from the school budget. These items must be procured efficiently, economically, and in accordance with the *Annotated Code of Maryland*, Board of Education policies, and administrative regulations promulgated by the Superintendent.

The function of the Purchasing Office is to serve the educational program by procuring these items for the school system at the lowest possible, responsive price which is consistent with the educational mission of the school district. The acquisition of these items is centralized in the Purchasing Office, which functions under the supervision of the Supervisor of Purchasing.

III. Definitions

~~In~~ Within the context of this policy, the following terms have the meanings indicated definitions apply:

- A. Award (of Contract): A decision made by the responsible authority to accept a written proposal offered by a bidder when a Request for Proposal, Invitation to Bid, or competitive pricing solicitation is used.
- B. Commodity: A good or service.
- C. Consultant: A person or company that has contracted to provide a professional or technical service.
- D. Contract: A deliberate agreement between two or more competent persons to perform, or not to perform, a specific act or acts. The contract may be in the form of a purchase order, a letter of intent, or a formal written agreement signed by the parties.
- E. Contract Specifications: A clear, concise, complete, and accurate description of the professional service or commodity required by the Board of Education.
- F. Competitive Pricing: Competitive pricing is obtained through the use of Internet bid boards, advertised bids, written price quotations, or oral price quotations. Bids will be solicited from those sources able to offer the best prices consistent with quality, delivery, and performance.
- G. Independent Contractor: An individual or company that is not in an employee/employer relationship with the Board of Education and has entered into a contract with the system to provide a specific outcome or result for the system.
- H. Invitation to Bid (ITB): A formal method of requesting proposals for commodities (construction of school buildings, improvements, supplies, equipment) that can be defined by exact specifications that can be replicated by various vendors. The selection process for an

ITB is always the lowest responsive, responsible bidder who meets the criteria for Education Article Section 5-112 of the *Annotated Code of Maryland*.

- I. Non-Professional Services: Includes the construction trades and services provided by an individual, group, organization, or company that do not require specialized skills or knowledge, or which do not have to be provided by individuals who are licensed or certified.
- J. Non-Responsive Bidder: A bidder's response is non-responsive if it does not conform to the criteria or specifications set forth in the Request for Proposal, Invitation to Bid, or competitive pricing solicitation. The Superintendent, upon the recommendation of the Supervisor of Purchasing, has the authority to deem a bidder as non-responsive.
- K. Prequalified Bidder: A general contractor or subcontractor trade company that has applied for and been approved by the Purchasing Office to receive notification of bid solicitations for construction and related bids through an automated process accessible through the ~~Washington County Public Schools'~~ (WCPS) ~~micro~~ website (www.wcpspurchasing.com). In order to become prequalified and to maintain such status, the company must provide the Purchasing Office with the most up-to-date documentary support such as references, licensure, proof of financial stability, insurance, and additional information as may be required by the Purchasing Officer to establish its competency to bid on construction and related services.
- L. Procurement: The formal act of purchasing services and/or commodities.
- M. Professional Services: Services provided by an individual, group, organization, or company that are of a ~~professional~~ technical nature and which are predominantly intangible and require a specific certification, license, or specialized skill. (See also Policy DJG.)
- N. Purchasing Office: The office responsible for coordinating the procurement and ~~the receipt~~ award recommendation of services and commodities in accordance with Maryland law, Board of Education policy, and administrative regulations.
- O. Registered Company: A company that has applied for and been approved by the Purchasing Office to receive notification of bid/proposal solicitations through the ~~Washington County Public Schools'~~ (WCPS) Purchasing Office through an automated process accessible through the WCPS ~~micro~~ website (www.wcpspurchasing.com).
- P. Responsible Bidder: A bidder that has the necessary technical, managerial, and financial capability and integrity to perform the work with proven dependability to either WCPS or a known source of reference.
- Q. Responsive Bid: The bid/quote must comply with all material requirements of the solicitation. A responsive bid is an offer to perform the exact tasks spelled out in the bid invitation. Acceptance will bind the bidder to perform in strict conformance with the invitation. A bid is responsive when the bidder's intent is clearly ascertainable from the face of the bid.
- R. Request for Proposal (RFP): A formal method of requesting proposals for professional services from interested vendors. An RFP is evaluated on multiple criteria such as quality, qualifications, experience of the vendor's employees who will be providing the service, WCPS' experience with the vendor, recommendations of other clients, and, to a lesser extent, the price of the service. Additional and generally subjective criteria can be reviewed based upon the particular needs of the school system. When Board of Education approval is required, a selection committee generally reviews an RFP prior to submitting a recommendation to the Superintendent or the Board of Education. An RFP is also used when combining the purchase of a professional service with that of a commodity.

- S. Service Contract: A contract entered into with a person or vendor that agrees to accomplish a certain result, usually to maintain equipment in usable condition, and has full control over the manner and method to be employed. A service contract involves primarily labor-intensive tasks, either skilled or unskilled, that a contractor agrees to perform.
- T. Sponsoring Director: A person who identifies a need for a service and/or commodity in order to support a program, and who recommends the procurement of the service and/or commodity to the Purchasing Authority. The person or their designee who confirms that the services and/or commodity has been received and meets or exceeds the specification and/or scope of work that was outlined in the procurement documents; and authorizes payment for the services and/or commodity.
- U. Written Quotation: A written statement of price, terms of sale, and description of the services or commodities offered by a vendor.

IV. Policy Statement/Procedures

A. Purchase Categories/Bid Requirements/Required Approvals

1. Purchases fall into nine (9) categories governed by Maryland law, Board of Education policies, and administrative regulations promulgated by the Superintendent.
 - a. Architectural and Engineering Services: The Board of Education will select architectural and engineering firms in accordance with Policy FEB and its accompanying administrative regulation only.
 - b. Emergency Repairs: In the event of the need to take immediate action to address an emergency repair, the Superintendent is authorized to proceed to take such action which results in the awarding of contracts which in his/her sole discretion resolves the emergency condition, allowing the system to advance its Board of Education defined mission. The Board of Education shall be notified of all such repairs and the costs at the next regularly scheduled Board Business Meeting.
 - c. Non-Professional Service Contracts: Although not required by Maryland law, competitive pricing of non-professional services is required for contracts that are expected to exceed \$25,000. Purchases up to \$50,000 may be awarded by the Superintendent. Board of Education approval is required for awards costing \$50,000 or more.
 - d. Professional Service Contracts: Competitive pricing of professional services contracts is required for contracts that are expected to exceed \$25,000. Purchases up to \$50,000 may be awarded by the Superintendent. Board of Education approval is required for awards costing \$50,000 or more.

Professional/technical services are defined as services that by their nature can be performed only by persons with specialized skills and knowledge. Professional/technical services include the services of individuals or organizations that provide the following types of assistance:

- General education experts services ~~—consultants with specific educational expertise,~~
- Legal services,
- Medical, dental services, and mental health services,
- Independent auditing and/or accounting services,

- Process and operational auditing [services](#),
 - Training services for staff continuing professional education,
 - Consulting services, e.g., employee benefits advice and analysis, growth and demographic analysis, and wage and salary analysis,
 - ~~Professions with expertise related to~~ Occupational health, safety, and security [expert services](#),
 - ~~Consulting~~ Technology specialists [services](#), such as systems analysts and programmers,
 - [Software and](#) Software maintenance [services](#),
 - Data management services, and
 - Other miscellaneous professional and technical services.
- e. School Buildings, Improvements, Supplies, and Equipment: Pursuant to Maryland law, an invitation to bid is to be advertised if the cost of any school building, improvement, supply, or equipment is more than ~~\$25,000~~ [50,000](#). Board of Education approval of awards for school buildings, improvements, supplies, or equipment is required for awards exceeding ~~\$25,000~~ [50,000](#). [As provided by Section 5-112 of the Education Article, if this threshold amount of \\$50,000 differs from the amount in Section 13-109\(a\) of the State Finance and Procurement Article \(“Section 13-109\(a\)”\) the amount in Section 13-109\(a\) shall apply.](#)
- f. School Materials: Competitive pricing of school materials (visual and auditory aids, stationery, and school supplies), at the lowest price consistent with good quality, is required for contracts that are expected to exceed \$25,000. Purchases up to \$50,000 may be awarded by the Superintendent. Board of Education approval is required for awards costing \$50,000 or more.
- g. Textbooks, Supplementary Readers, and Materials of Instruction: The selection and procurement of textbooks, supplementary readers, and materials of instruction is based primarily upon the quality of these instructional materials. The Sponsoring Director and the Purchasing Office are to procure the best quality instructional materials with due consideration that the cost of such materials represents a good value to the Board of Education. Purchases up to \$50,000 may be awarded by the Superintendent. Board of Education approval is required for awards costing \$50,000 or more.
- h. Sole Source Procurement: This type of procurement exists when there is only one available source for the subject of procurement. Such a procurement is subject to the approval of the Supervisor of Purchasing and the Superintendent. Purchases up to \$50,000 may be awarded by the Superintendent. Board of Education approval is required for awards costing \$50,000 or more.
- i. Exceptions: When total expenditures are budgeted in the Board of Education’s approved annual budget, for bus route contracts, School Resource Officers, and other similar procurements, the Superintendent has the authority to proceed with such procurements without approval of the individual contracts by the Board.¹
- j. Bidding Procurement Requirements

All of the items enumerated above are to be procured in accordance with Maryland law, Board of Education policies, and administrative regulations promulgated by the Superintendent.

¹ With regard to exceptions related to Professional Service Agreements, please see Policy DJG, and with regard to bid exceptions, please see Administrative Regulation DJF-R.

k. Role of Purchasing Authority

The Supervisor of Purchasing has the responsibility for ensuring compliance with Maryland State law, Board of Education Policy, and administrative regulations. ~~making all purchases for the school system.~~

B. Cooperative Purchasing

The Board of Education encourages cooperation with other governmental agencies and intergovernmental purchasing organizations for the purchase of like supplies, materials, equipment, and services.

C. Rejection of Bids

The Superintendent may reject a proposed bid, RFP, or contract ("Proposal") prior to offering it to the Board of Education if he/she determines it to be non-responsive, non-competitive, or in any way defective. Furthermore, the Board of Education may reject any bid or Proposal presented by the Superintendent in a properly convened, open session school board meeting.

D. Local Purchasing

After completion of any required competitive bidding or competitive pricing, if the quality of the goods and/or the quality of the services offered is comparable and the price is equal, the Board of Education will give preference to local vendors – first, Washington County vendors, second, Maryland vendors. Past experience of providing school buildings, supplies, equipment, or services to the school system may also be considered, but absence thereof may not be used to exclude a first-time bidder, however, in such cases, references from previous customers may be considered.

E. Option(s) to Renew or to Extend an Original Contract – Required Approvals

In some cases, an original contract may authorize the parties to exercise the option to renew or extend the original contract for an additional specific time period.

In a case where the original contract requires the approval of the Superintendent, only the Superintendent is authorized to exercise the option to renew or to extend the original contract, provided that the cost of the renewal or extension is such that the Superintendent is authorized to make such a decision.

In a case where the original contract requires the approval of the Board of Education, only the Board of Education is authorized to:

1. Exercise the option to renew or to extend the original contract; or
2. Delegate such authority to exercise the option to renew or to extend the original contract to the Superintendent.

F. Splitting Procurements Prohibited

Split purchases designed to circumvent the bid/quote threshold limits and procurement requirements previously enumerated are prohibited.

G. Record Retention

The Purchasing Office will retain a copy of the Invitation to Bid, proposal, or RFP issued, the responses received from the vendors, and the contract entered into with the successful vendor. Such records are to be maintained for a period of five (5) years after the services have been completed or the supplies or equipment have been delivered.

H. Non-Discrimination

Washington County Board of Education does not discriminate in the choice of vendors and the award of bids on the basis of race, color, sex, age, national origin, religion, disability, or sexual orientation.

I. Administrative Regulations

The Superintendent is authorized to promulgate administrative regulations regarding procurement requirements, procurement procedures, and the qualifications of bidders. The administrative regulations are to be consistent with Maryland law and Board of Education policies.

Legal Reference: *Annotated Code of Maryland*, Education Article, Section 5-112 and Section 7-106
 Annotated Code of Maryland, State Finance and Procurement Article, Section
 13-109(a)

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Amended: _____
Board of Education of Washington County