

# Struthers City School District

## Bylaws & Policies

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### **6320 - PURCHASES**

#### **Quotations and Bids**

It is the policy of the Board of Education that the Treasurer seek at least two (2) price quotations on purchases of more than \$25,000 for a single item, except in cases of emergency or when the materials purchased are of such a nature that price negotiations would not result in a savings to the District or when the item is subject to formal bid.

When the purchase of, and contract for, single items of supplies, materials, or equipment amounts to \$25,000 or more, and when the Board determines to build, repair, enlarge, improve, or demolish a school building the cost of which will exceed \$25,000, the Treasurer shall obtain competitive bids.

The Superintendent shall verify that the specifications for any public improvement project for which bids are solicited do not require any bidder to:

- A. enter into agreements with labor organizations on said public improvement; or
- B. enter into an agreement that requires its employees to become members of or pay fees or dues to a labor organization as a condition of employment or continued employment.

Bids shall be sealed and shall be opened by the Treasurer in the presence of at least one (1) witness.

#### **Soliciting of Bids**

The Board, by resolution, may award a bid to the lowest responsive and responsible bidder. For a bidder to be considered responsive, the proposal must respond to all bid specifications in all material respects and contain no irregularities or deviations from the bid specifications that would affect the amount of the bid or otherwise provide a competitive advantage. For a bidder to be deemed responsible, the Board may request evidence from the bidder concerning:

- A. the experience (type of product or service being purchased, etc.) of the bidder;
- B. the financial condition;
- C. the conduct and performance on previous contracts (with the District or other agencies);
- D. the bidder's facilities;

- E. management skills;
- F. the ability to execute the contract properly;
- G. a signed affidavit affirming that neither the bidder nor any sub-contractor has entered into an agreement with any labor organization regarding the public improvement project.

### **Awarding of Bids**

The Board shall approve all contracts resulting from competitive bids prior to being awarded. The Board reserves the right to reject any or all bids.

In situations in which the Board has resolved to award a bid to the lowest responsible and responsive bidder and the low bidder does not meet the considerations specified above, the Board shall so notify the bidder, in writing, by certified mail. The bidder may protest the award of a bid within five (5) days of the notification and the Board shall meet with the protesting bidder and then reaffirm or reverse its decision.

### **Limitations**

All purchases that are within the amount contained in the function of the appropriation and were originally contemplated in the budgeting process may be made upon authorization of the Superintendent unless the contemplated purchase is for more than \$25,000, in which case prior approval is required from the Superintendent.

The Treasurer is authorized to adjust appropriations within a fund in order to make necessary purchases and shall report such modifications at the following regular Board meeting.

The Board should be advised, for prior approval, of all nonbid purchases when the amount exceeds the amount of the appropriation.

The Superintendent is authorized to make emergency purchases, without prior adjustment, of those goods and/or services needed to keep the schools in operation. Such purchases shall be brought to the Board's attention at the next regular meeting.

### **"Blanket" Certificates**

The Treasurer may issue "blanket" purchase orders (certificates) for a sum not exceeding an amount established by resolution of the Board against any specific line item account over a period of time, not to extend beyond the end of the fiscal year in which it is issued. Only one (1) "blanket" purchase order (certificate) may be outstanding at any one (1) particular time for any one (1) particular line item appropriation.

### **"Super Blanket" Certificates**

The Treasurer may issue "super blanket" purchase orders (certificates) for any amount for expenditures and contracts from a specific line-item appropriation account in a specified fund for most professional services, fuel, oil, food items, and any other specific recurring and reasonably predictable operating expense. Such a purchase order (certificate) shall not extend beyond the fiscal year.

## **Contracts for Development and Improvement of Facilities**

All contemplated contracts for professional design services such as from an architect or for construction management shall be in accordance with R.C. 9.33, 9.333, and 153.54 et seq.

## **Lease-Purchase Agreements**

Lease-purchase agreements entered into by the Board shall be in accordance with R.C. 3313.375. Such agreements shall be a series of not more than thirty (30) one-year renewable lease terms, after which time ownership is transferred to the Board if all obligations of the Board under the agreement have been satisfied.

## **Purchases from the State**

In accordance with State law (R.C. 4115.31 et seq.), the Superintendent shall purchase products and services which are available from the Ohio Industries for the Handicapped (OIH) when such products or services are needed by the District. The Superintendent is to maintain the current catalog provided by OIH and inform all District personnel who may be purchasing products or services of the catalog's current listings.

## **Quantity Purchases**

In order to promote efficiency and economy in the operation of the District, the Board requires that the Treasurer periodically estimate requirements for standard items or classes of items and make quantity purchases on a bid basis to procure the lowest cost consistent with good quality.

Whenever storage facilities or other conditions make it impractical to receive total delivery at any one time, the total quantity to be shipped but with staggered delivery dates, shall be made a part of the bid specifications.

## **Requirements**

Before the Treasurer places a purchase order, s/he shall check as to whether the proposed purchase is subject to bid, whether sufficient funds exist in the budget, and whether the material might be available elsewhere in the District. All purchase orders shall be numbered consecutively.

In the interests of economy, fairness, and efficiency in its business dealings, the Board requires that items commonly used in the various schools or units thereof, be standardized whenever consistency with educational goals can be maintained.

Employees may be held personally responsible for anything purchased without a properly-signed purchase order or authorization.

The Board may acquire equipment as defined in law by lease, by installment payments, by entering into lease-purchase agreements, or by lease with an option to purchase, provided the contract sets forth the terms of such a purchase.

## **Reverse Auctions**

It is the policy of the Board to permit the use of a reverse auction to purchase services and supplies whenever it is determined that the reverse auction process will be advantageous to the District (e.g., result in a cost savings to the District). To that end, vendors may submit proposals when competing to sell services and/or supplies in an open environment via the Internet. While the reverse auction process may

be used to purchase supplies such as equipment, materials, tangible assets and insurance, the process may not be used to purchase real property or interests in real property. The process may also be used to purchase services such as the furnishing of labor, time, or effort by a person, provided such services do not involve the delivery of a specific end product other than a report, and are not being furnished in connection with an employment agreement or collective bargaining agreement.

The Board will provide notice of the request for proposals and award contracts in accordance with the Superintendent's administrative guidelines. When competitive sealed bidding and/or competitive sealed proposals for the purchase of services or supplies are required by law, purchases made by reverse auction will satisfy such legal requirement.

R.C. 9.25, 9.30, 9.31, 9.311, 9.312, 9.314, 125.04, 153.12, 153.54, 2909.33

R.C. 3313.37, 3313.375, 3313.46, 4115.32 et. seq., 4116.02, 4116.03, 5705.41

R.C. 5705.45

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