

# THE SCHOOL DISTRICT OF OSCEOLA COUNTY, FLORIDA

# PURCHASING PROCEDURES MANUAL

Revised 9-22-11



The School District of Osceola County, Florida  
Student Achievement - Our Number One Priority

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Exhibit A -                    **Consultants Competitive Negotiation Act (CCNA)  
Request For Qualifications (RFQ) and  
Design-Build Procedures Manual**

**FORWARD**

This manual has been developed by the Director of Purchasing and Warehouse and by the Purchasing Supervisor in cooperation with the Superintendent and Chief Business and Finance Officer. It is intended to be a guide for all school and department employees who are directly or indirectly associated with the purchasing functions of the School District.

It is an acknowledged fact that centralized purchasing and competitive pricing can result in substantial savings of time and funds for any activity engaged in education as well as business. The operation of the schools and the departments in the School District is a large business venture. The procedures outlined in this manual have been successfully tested and utilized in both public and private sectors throughout the nation.

It should also be acknowledged that any policy or procedure, however well planned, is only effective if properly deployed. All District personnel must cooperate and work as a team with a common goal in order to achieve and maintain an efficient and effective purchasing program.

**MISSION & GOALS**

The mission of the Purchasing Department of the School District of Osceola County, Florida, is to provide for the fair and equitable treatment of all persons involved in public purchasing by the District, to maximize the purchasing value of public funds, and to provide safeguards for maintaining a procurement system of quality and integrity.

The Purchasing Department's goals are to assist all of the schools and the departments with their purchasing activities, to provide cost effective, efficient and competitive procurement of supplies, services, and equipment needed to provide quality educational services to the students of Osceola County, to administer the Purchasing rules, regulations and statutes established by the School Board, Department of Education and the State of Florida.

The Purchasing Department is dedicated to providing the School District with the services necessary to accomplish its operational missions in the most cost effective and efficient manner and to provide fair and equitable treatment of all vendors that wish to sell commodities and services to the School District of Osceola County, Florida.

This manual includes the basics of the District's purchasing procedures as governed by the School Board, the State Board of Education and Florida Statutes.

### OBJECTIVES

The Purchasing Department performs the centralized purchasing function for all of the District's departments and schools under the authority of the School Board. Policies and procedures governing the District's purchasing program are uniform District-wide and are in compliance with all applicable Federal, State, and School Board rules and regulations.

The primary objective of the Purchasing Department is to assist the schools and departments by purchasing commodities/services best suited to their specific needs based upon that school's or department's determinations of requirements and to buy these commodities/services as economically as possible. The Purchasing Department, in cooperation with the schools and the departments, will ensure that the needed commodities and services are available in sufficient supply to avoid interruption in delivery of services to the students of Osceola County. The Purchasing Department also provides budgetary control assistance to the District's schools and departments.

In order to achieve this objective, the Purchasing Department requires active participation of the District's schools and departments. It is of vital importance that schools and departments communicate their requirements to the Purchasing Department by providing clear, detailed and open specifications that promote maximum and fair competition and result in obtaining best value and ensuring good stewardship of taxpayer funds.

**SECTION I – PURCHASING AUTHORITY**

The School Board of Osceola County, Florida has directed that all purchases for the requirements and the operations of the schools and the departments as well as the supporting activities, be made through centralized purchasing. Therefore, all purchases shall be made in accordance with District policies and procedures to obtain the quality necessary to suit the intended purpose at the least expense. Generally, all goods and/or services shall be acquired from a contracted vendor or from items stored for internal distribution. Request for purchase or for disbursement from the central warehouse shall be made through the prescribed purchase order function.

- ◆ **Purchase Order Approval Authority:** All purchases, except “petty cash” purchases, shall be made through a written purchase order or the use of a Purchasing Card or a Travel Card. The School Board has authorized the Superintendent and his designees in the Purchasing Department to approve all purchase orders (and all internal purchase orders equal to or greater than \$3,000), provided that such funds, to cover the expenditure, are authorized in the budget and have not been encumbered for other expenditures and that the purchase and purchasing procedure complies with all applicable rules and regulations. In addition, purchase orders shall not be executed for transactions that require a School Board approved contract until the School Board has approved the contract.
  
- ◆ **Contract Approval Authority:** All contracts will be consistent with the best interests of the School District and will provide adequate financial protection for the District. The terms of the contracts will not violate the code of ethics for public officers and employees, Chapter 112, Florida Statutes. The School Board may adopt standard contract provisions which will be circulated to principals and administrators. If a contract is not consistent with the standard contract provisions, it must be approved by the School Board.

Principals and District Level Administrators are authorized to enter into contracts to be paid from or into **internal funds** less than \$50,000, and contracts which do not involve the expenditure of funds, so long as those contracts comply with this rule and other rules of the School Board or the Superintendent. The principal or District level administrator is authorized to enter into contracts, which involve the expenditure of funds which are not internal funds so long as those contracts do not exceed three thousand dollars \$3,000 in monetary impact. If the contract involves the expenditure of funds which are not internal funds and the monetary impact is greater than three thousand dollars (\$3,000) and less than \$50,000 then the Superintendent or a person designated by the Superintendent in writing is authorized to approve the contract. If the monetary impact is greater than \$50,000, then the contract must be approved in advance by the School Board.

The Superintendent is authorized to approve non-monetary contract amendments and contract amendments in the amount of ten (10) percent or \$25,000, whichever is less, of the original contract’s amount that was previously approved by the School Board.

## **SECTION II – COMPETITION REQUIREMENTS**

School Board Rules govern the competitive solicitation guidelines for the District.

- ◆ All purchases equal to or exceeding \$50,000 in cost shall be subject to a formal, competitive solicitation process (except as addressed in School Board Rule or State Board Rule 6A-1.012). Purchases in the category which do not exceed \$50,000 but are more than \$3,000 shall be competitively quoted. Quotations shall be requested from at least three vendors providing like items or services.

## **SECTION III – COMPETITIVE SOLICITATION PROCEDURES**

The Purchasing Department utilizes a number of different tools to aid the schools and the departments in their procurement of goods and services. These can be as simple as a Purchasing Card (P-Card) purchase for a small dollar purchase or as complex as an Invitation to Negotiate (ITN).

Listed below is a brief explanation of each procedure:

- ◆ **Purchases of \$999.99 or Less**  
Use pricing from term contract or obtain 1 written quote.  
Utilize Purchasing Card, Travel Card or Purchase Order.
- ◆ **Purchases In Excess of \$999.99 but Not Over \$2,999.99**  
Use pricing from term contract or obtain 1 written quote.  
Utilize Travel Card or Purchase Order.
- ◆ **Purchases In Excess of \$3,000 but Not Over \$49,999.99**  
Obtain 3 written quotes: Three (3) or more vendors shall be sent a written Request for Quote. FAX or email responses are acceptable as a written reply to this type of request. When the requests are returned, they are evaluated based on the price and specifications. The vendor offering the lowest responsive, responsible price that meets the specifications will receive a purchase order.
- ◆ **Purchases In Excess of \$49,999.99**  
Competitive solicitations shall be used except for the purchase of following items where the competitive solicitation process may be waived: professional services which shall include, without limitation, artistic services; academic program reviews; lectures by individuals; auditing services not subject to Section 218.391, F.S., legal services, including attorney, paralegal, expert witness, court reporting, appraisal or mediator services; and health services involving examination, diagnosis, treatment, prevention, medical consultation or administration; educational service, any type of copyrighted materials including, without limitation, educational tests, textbooks, printed instructional materials, computer software, films, filmstrips, videotapes, dvds, disc or tape recordings, digital recordings, or similar audio-visual materials, and for library and reference books, and printed library cards where such materials are purchased directly from the producer or publisher, the owner of the copyright, an exclusive agent within the state, a governmental agency or a recognized educational institution (State Board of Education Rule 6A-1.012).

◆ **Invitation to Bid (ITB)**

The Purchasing Department, with the cooperation of the requisitioning school/department, shall develop the bid specifications. The bid shall contain all applicable terms and conditions prescribed by Federal, State, and School Board rules and regulations.

In this process, an Invitation to Bid (ITB) is posted to the Purchasing Department website. A notice is sent to all firms who have registered to receive notification for this particular commodity or service. The firms download the bid document, complete the required paperwork and either mail or deliver their bid response to the Purchasing Department. All bids are due at a specific date and time, and must be read aloud at a public opening. After the bids are opened, the Purchasing Department, sometimes with the aid of the requesting school/department, will evaluate the bids in an effort to determine the lowest, responsive, responsible bid that meets all specifications, terms and conditions. A notice of the District's intent to award to that firm must be posted for 72 hours on the Purchasing Department's website, not including weekends or holidays. The purpose of this posting is to give public notice of the up-coming award and to allow any aggrieved firm an opportunity to file a protest. A recommendation to award will be submitted to the School Board by the Superintendent's office. The ITB process takes approximately five (5) to six (6) weeks.

**Single Responsive, Responsible Bid**

When only one responsive, responsible bid is received for the purchase of an item, a group of items or service, the Purchasing Department shall review the bid in order to determine the reasons that only one bid was received. If it is determined that a second Invitation to Bid would not be in the best interest of the School District, the bid file will be documented as to the conditions and circumstances and the Purchasing Department may negotiate the purchase at the best possible price. If it is determined that a second Invitation to Bid would be in the best interest of the School District, the Purchasing Department may issue an additional solicitation.

◆ **Request for Proposal (RFP)**

In cases where an Invitation to Bid is not practicable, the Purchasing Director may determine that a Request for Proposal is the proper competitive solicitation process to obtain the required commodities and/or services. Reasons to issue an RFP may be that the specifications cannot be fully defined, various solutions are desired, and/or cost is not the major factor in the award. In an RFP, scope of work, requirements and evaluation criteria are listed along with any other requirements. These components are evaluated by a selection committee according to a point system enumerated in the proposal. The Purchasing Department, with the cooperation of the requisitioning school/department, shall develop the specifications and evaluation criteria to be used in the RFP; this package shall contain all applicable terms and conditions prescribed by the Federal, State, and School Board rules and regulations.

In this process, the RFP document is posted to the Purchasing Department website. A notice is sent to all firms who have registered to receive notification for this particular commodity or service. The firms download the RFP document, complete

the required paperwork and either mail or deliver their RFP response to the Purchasing Department. All RFP responses are due at a specific date and time, and must be read aloud at a public opening.

After the RFP responses are received, the Purchasing Department reviews the responses for compliance. The responses are then distributed to the selection committee members for independent evaluations. Each selection committee is comprised of a cross-functional team of District employees that are appointed by the Purchasing Director. In some cases, when community input is needed, non-District employees are appointed to a selection committee. The Purchasing Department staff facilitates the selection committee meetings, trains new members on their responsibilities and ensures that the evaluation process is conducted in a fair and equitable manner. All selection committee meetings are considered to be public meetings and are posted to the Purchasing Department website.

The selection committee evaluates the proposals in accordance with the point system enumerated in the proposal. The firms are ranked and the short-listed firms are invited to give formal presentations to or informal interviews with the selection committee. After the presentations/interviews, the selection committee evaluates the firms in accordance with the point system enumerated in the proposal. The selection committee agrees upon the choice of the top-ranked firm, and then the Purchasing Department submits an agenda item recommendation of this top-ranked firm to the School Board, requesting approval to negotiate a contract with the top-ranked firm.

When the top-ranked firm is been determined, a notice of the District's intent to negotiate with that firm must be posted for 72 hours, not including weekends or holidays, on the Purchasing Department website. The purpose of this posting is to give public notice of the upcoming award and to allow any aggrieved firm an opportunity to file a protest. After the School Board authorizes staff to negotiate a contract with the top-ranked firm, a negotiation team appointed by the Purchasing Director completes the negotiations and finalizes the contract. The Purchasing Director or designee shall lead the negotiation process and ensure that the negotiation process is successful. The final contract, signed by the top-ranked firm, is presented to the School Board for approval by the Purchasing Department. The RFP process takes approximately nine (9) to twelve (12) weeks.

◆ **Invitation to Negotiate (ITN)**

In cases where an ITB or an RFP are not practicable and will not result in the best value to the District, the Purchasing Director may determine that an Invitation to Negotiate is the proper competitive solicitation process to obtain the required commodities and/or services. This process may be utilized when specifications cannot be defined, there may be unknown areas such software or other technology, volatile market trend changes, etc. In an ITN, scope of work, requirements and evaluation criteria are listed along with any other requirements. These components are evaluated by a selection committee according to a point system enumerated in the proposal. The Purchasing Department, with the cooperation of the requisitioning school/department, shall develop the specifications and evaluation criteria to be used in the ITN; this package shall contain all applicable terms and conditions prescribed by the Federal, State, and School Board rules and regulations.

In this process, the ITN document is posted to the Purchasing Department website. A notice is sent to all firms who have registered to receive notification for this particular commodity or service. The firms download the ITN document, complete the required paperwork and either mail or deliver their ITN response to the Purchasing Department. All ITN responses are due at a specific date and time, and must be read aloud at a public opening.

After the ITN responses are received, the Purchasing Department reviews the responses for compliance. The responses are then distributed to the selection committee members for independent evaluations. Each selection committee is comprised of a cross-functional team of District employees that are appointed by the Purchasing Director. In some cases, when community input is needed, non-District employees are appointed to a selection committee. The Purchasing Department staff facilitates the selection committee meetings, trains new members on their responsibilities and ensures that the evaluation process is conducted in a fair and equitable manner. All selection committee meetings are considered to be public meetings and are posted to the Purchasing Department website.

The selection committee evaluates the proposals in accordance with the point system enumerated in the proposal. The firms are ranked and the short-listed firms are invited to give formal presentations to or informal interviews with the selection committee. After the presentations/interviews, the selection committee evaluates the firms in accordance with the point system enumerated in the proposal. The selection committee agrees upon the choice of the top-ranked firms, and then the Purchasing Department submits an agenda item recommendation of the top-ranked firms to the School Board, requesting approval to simultaneously negotiate with the top-ranked firms in order to obtain the best value for the District.

When the top-ranked firms are determined, a notice of the District's intention to negotiate with those firms must be posted for 72 hours, not including weekends or holidays, on the Purchasing Department website. The purpose of this posting is to give public notice of the upcoming award and to allow any aggrieved firm an opportunity to file a protest. After the School Board authorizes staff to negotiate, a negotiation team appointed by the Purchasing Director completes the negotiations and finalizes the contract. The Purchasing Director or designee shall lead the negotiation process and ensure that the negotiation process is successful. The final contract, signed by the top-ranked firm, is presented to the School Board for approval by the Purchasing Department. The ITN process takes approximately twenty (20) weeks.

◆ **Request for Qualifications – Competitive Consultants Negotiation Act (RFQ - CCNA) and/or Design Build Procedures**

A Request for Qualifications (RFQ – CCNA and/or Design Build) shall be utilized for services as outlined in Sections 255.103, 287.055, and 1013.45, Florida Statutes, and State Requirements for Educational Facilities (SREF), Chapter 4, as the same shall be amended from time to time. These services include the following: architectural, engineering, landscape architecture, surveying, mapping, construction management and design/build. The Purchasing Director shall publish procedures for the development and evaluation process of Request for Qualifications documents as a part of the Purchasing Manual published by the Superintendent. In accordance with established rules and regulations, price is not a factor in the award criteria. This

process is fully defined in Exhibit A. The RFQ process for CCNA and/or design build services takes approximately nine (9) to twelve (12) weeks.

◆ **Request for Qualifications – Non-Competitive Consultants Negotiation Act (RFQ – Non-CCNA)**

A Request for Qualifications (RFQ – Non-CCNA) shall be utilized for commodities and/or services that are required by the District, and for which price is not the determining factor. This process may be utilized when definite specifications cannot be written, there may be unknown areas, such software or other technology, volatile market trend changes, and/or broad specifications/requirements where additional competition from qualified firms on an as-needed basis are required and in the best interest of the District. In an RFQ-Non-CCNA, scope of work, requirements and evaluation criteria are listed along with any other requirements. These components are evaluated by a selection committee according to a point system enumerated in the proposal. The Purchasing Department, with the cooperation of the requisitioning school/department, shall develop the specifications and evaluation criteria to be used in the RFQ-Non-CCNA; this package shall contain all applicable terms and conditions prescribed by the Federal, State, and School Board rules and regulations.

In this process, the RFQ-Non-CCNA document is posted to the Purchasing Department website. A notice is sent to all firms who have registered to receive notification for this particular commodity and/or service. The firms download the RFQ-Non-CCNA document, complete the required paperwork and either mail or deliver their ITN response to the Purchasing Department. All RFQ-Non-CCNA responses are due at a specific date and time, and must be read aloud at a public opening.

After the RFQ-Non-CCNA responses are received, the Purchasing Department reviews the responses for compliance. The responses are then distributed to the selection committee members for independent evaluations. Each selection committee is comprised of a cross-functional team of District employees that are appointed by the Purchasing Director. In some cases, when community input is needed, non-District employees are appointed to a selection committee. The Purchasing Department staff facilitates the selection committee meetings, trains new members on their responsibilities and ensures that the evaluation process is conducted in a fair and equitable manner. All selection committee meetings are considered to be public meetings and are posted to the Purchasing Department website.

The selection committee evaluates the proposals in accordance with the point system enumerated in the proposal. All qualified firms are ranked and the short-listed firms may be invited to give formal presentations to or informal interviews with the selection committee. After the presentations/interviews, the selection committee evaluates the firms in accordance with the point system enumerated in the proposal. The selection committee agrees upon the choice of the top-ranked firms, and then the Purchasing Department submits an agenda item recommendation of the selected firms to the School Board, requesting approval to negotiate with the qualified firms in order to obtain the best value contracts for the District.

When the qualified firms are determined, a notice of the District's intention to negotiate with those firms must be posted for 72 hours, not including weekends or

holidays, on the Purchasing Department website. The purpose of this posting is to give public notice of the upcoming award and to allow any aggrieved firm an opportunity to file a protest. After the School Board authorizes staff to negotiate, a negotiation team appointed by the Purchasing Director completes the negotiations and finalizes the contract(s). The Purchasing Director or designee shall lead the negotiation process and ensure that the negotiation process is successful. The final contract(s), signed by the top-ranked firm(s), are presented to the School Board for approval by the Purchasing Department. The RFQ-Non-CCNA process takes approximately nine (9) to twelve (12) weeks.

◆ **Requisition Splitting**

The Attorney General has ruled that deliberate attempts to split requisitions, where the purpose is to keep total costs on each requisition below the assigned threshold, is an evasion of the State Purchasing Law and, therefore, unlawful.

◆ **Sole Source/Single Source Commodity or Service**

A Sole Source commodity or service is an item, group of items or services that only one (1) vendor can supply, under the specifications required by the District. Under this definition, only one (1) vendor can supply the item required. The Purchasing Department may require that the requested material/service be bid out to responsible vendors. All single/sole source purchases must be posted to the Purchasing Department website for seven (7) business days.

◆ **Pool Purchases (Piggyback Bids, Cooperative Bids)**

The School Board has authorized engagement in 'pool' purchases with other Districts, the State Board of Education and/or other governmental agencies, if such purchases are to the economic advantage of the District (State Board of Education Rule 6A-1.12).

◆ **State Contract**

Consideration may be given to other price agreements and State Contracts available under regulations of the State of Florida Department of Management, Division of Purchasing. For information concerning these and other contracts, contact the Purchasing Department.

## **SECTION IV – PURCHASING GUIDELINES**

◆ **Buying the Right Quality**

Quality is defined by functionality specifications. The best or the highest quality is not necessarily the right quality. It is the responsibility of the Purchasing Department, in conjunction with the using school or department, to define the level of quality that is necessary for the intended purpose and to develop the functional specifications to meet that determination.

Analysis from the standpoint of intended purpose, performance standards, operating conditions and location is required to determine the required quality. Quality is not necessarily a function of price, however, quality must be evaluated in conjunction with the requirement, the additional cost should be expected to out-weigh the added value received. Conversely, quality less than the need is not a responsible business decision.

The inadequate quality may out-weigh the decreased costs by generating additional requirements.

If proper quality is to be obtained, the specifications must reflect the needs precisely so that the firm understands the District's requirements. Tests or inspections must be conducted to ensure receipt of the quality required. Specifications, which may include brand names or commercial standards, are used to identify needs explicitly; however, specifications descriptive of specifically named products can provide a base of standardization. Specifications should never exclude vendors from bidding.

◆ **Buying the Right Quantity**

The quantity of material will vary with the availability of storage facilities, changing requirements, fluctuating prices and shelf life of specific goods. Large quantity purchases may lose their price advantage by storage expense, obsolescence or other unforeseen conditions. These factors should be considered in determining quantity requirements. Historical usage data should be one of the most reliable guides in estimating needs in future periods. Quantity buying methods in general use include:

- Definite quantity with specific delivery schedules;
- Contracts in which quantity is estimated and deliveries are on an "as needed" basis.

◆ **Buying the Right Price**

Although price is an important factor in purchasing, it is second to quality. Consideration should never be given to inferior merchandise at any price. This will inevitably result in higher cost due to inadequacy or additional operating or maintenance hours to correct judgmental errors. Care must be taken to insure products meet specifications.

Price should never be the only criteria used for the purchase of an item. Consideration should be given to services offered by the supplier, such as delivery charges, delivery time, discounts, etc.

It should also be recognized that a low price may be over-shadowed by transportation and handling costs. Requests for bids or quotes should specify that these costs be included in the quoted pricing,

The objective of the Purchasing Department is to procure goods and services at the lowest total cost and should be consistent with the quality required. All factors must be weighed.

## **SECTION V – RELATIONSHIPS**

The Purchasing Department is a service agency for the District's schools and departments. It was established to assist the schools/departments in meeting their needs for operating supplies, equipment and services, thereby relieving this resource-consuming responsibility from their daily duties. This concept also allows the School District to pool its requirements to purchase in larger quantities at an increased saving. This in turn results in lower costs to the budgets of the individual schools and department. Mutual benefits to be derived are dependent upon cooperation.

### ◆ **Responsibilities of the Purchasing Department**

To determine through direct coordination with the schools and departments, their present and future needs for materials, supplies, equipment and services.

To determine sources and availability of needed products and to procure products which meet the explicit requirements of the schools/departments at the least cost to the District. Selected materials, supplies and equipment are maintained by the Warehouse for in-house ordering.

To provide schools/departments with bid and contract information which is currently in place with other agencies that could be utilized immediately.

To store often used items in a central storage location in sufficient quantities to meet day-to-day requirements for a reasonable length of time.

To distribute materials to schools/departments on a timely basis.

To advise and assist the Superintendent in the formulation of policies for recommendation to the Board, and in the development of procedures to carry out their policy.

### ◆ **Responsibilities of Schools/Department**

To submit anticipated requirements of needed materials, supplies and/or services to the Purchasing Department as far in advance as possible.

To assist with the preparation of specifications in cooperation with the Purchasing Department.

To participate in the development of standards for use throughout the School District.

### ◆ **Relationships with Sales Representatives**

The relationship between the purchaser and the seller should be one of mutual respect, integrity, trust and understanding. Each must operate under this philosophy in every transaction. It is essential that the Purchasing Department be aware of all transactions. No department or school should be burdened by unnecessary visits from potential suppliers, as such practices can result in a loss of productive time and defeat the positive effects of quantity buying. Sales representatives should always be referred to the Purchasing Department.

Sales representatives shall be received courteously, and as promptly as possible. If a sales representative contacts a school or department directly, he should be immediately referred to the Principal or the Department Head. The Principal or Department Head shall then refer him to the specific 'end-user' and/or to the Purchasing Department, whichever the Principal deems appropriate.

All beneficial information received by the Purchasing Department from interviews, catalogs, advertising, etc., shall be passed on to the schools/departments concerned. When a school or department receives information from a sales representative, product information, advertising, etc., please suggest that the firm provide the Purchasing Department with similar information.

In accordance with the School Board Rule 6.96, no gifts or entertainment should be accepted by any employee of the District from any firm. It is imperative that School Board Ethics Rules be followed. This is to ensure that each firm receives the same impartial treatment.

### **SECTION VI - STANDARDIZATION AND SPECIFICATIONS**

The Purchasing Department, with the assistance of the District's Principals/Department Heads, shall formulate standards and specifications for items routinely purchased in the District. In the event that several schools/departments are involved, a committee may be appointed to assist in the development of the standards and/or specifications acceptable to all concerned.

◆ **Objectives of Standards**

Eliminates quality determinations on every purchase and reduces the requirements for negotiations with suppliers,

Reduces the number of line items to be stored by each entity and/or in the Warehouse,

Keeps suppliers/vendors apprised of acceptable items,

Improves delivery and repair services,

Permits maximum value in purchasing.

◆ **Content of Specifications**

Clearly and completely state what is needed,

Avoid non-essential quality restrictions which add to the cost but not to the utility,

Conform to commercial or industrial standard where possible, avoiding specifications which unnecessarily restrict completion,

Provide a means for testing conformance; FSPMA, ASTM, etc.

### **SECTION VII - MAJOR FUNCTIONS OF THE PURCHASING DEPARTMENT**

It is the responsibility of the Purchasing Department to achieve a smooth integration of all factors – laws, school/department needs, specifications, quantities, delivery schedules, etc.

This section lists the functions and procedures for this department.

◆ **Office Administration**

Normal administrative office duties,

Monitor and incorporate changes to the District-wide Purchasing Policies,

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Preparation of reports required to review the District's purchasing functions and their impacts,

Provide audit trail of District disbursement of funds used to purchase supplies, equipment and services,

Maintain files and records pertaining to District purchasing activities,

Provide training to District employees and other interested parties in purchasing policies and procedures.

◆ **Procurement**

Administer the Purchasing Process,

Receive notification from the schools/departments of requirements for materials, supplies, equipment, and/or services through a bid request,

Review competitive solicitation specifications to assure they are not proprietary in nature and that they allow for open competition and are clear and precise,

Research and develop a list of suppliers/vendors for the commodities/services required,

Modify terms and conditions with the assistance of the using school/department, due to special conditions, contract term and/or delivery concerns,

Solicit responses for commodities and/or services through the appropriate competitive solicitation process; i.e., written quotes, ITN, RFP, RFQ or ITN. , request for proposals (RFP), and Invitation to Negotiate (ITN),

Receive, open, tabulate, and evaluate competitive solicitation submittals,

Make recommendation of the most responsive and responsible bidder to the Superintendent in accordance with Chapter 3.06 of the Administrative Code,

Ensure contract compliance by the vendor/supplier/contractor/bidder to the terms & conditions, specifications, and pricing of the contract/purchase order,

Administer purchase orders and contracts until the commodities and/or services are received or completed,

Receive complaints and/or bid protests and resolve them. If not resolved by the Purchasing Department, submit them to the proper department for resolution,

Ensure the compliance with Federal regulation, Florida Statutes, State Board of Education, and School Board Rules as well as any and all local codes and regulations in regards to public purchasing.

Purchase Orders: A Purchase Order is a legal, binding contract between the District and a vendor/contractor/supplier. It is the vendor's authority to ship item(s) or to supply service(s) at a previously quoted price.

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Requisitions shall be entered by the school/department and approved by the principal/department head (Cost Center). All requisitions must include the correct account numbers (budget strip) as well as a good description of the item(s) or service(s) being requested.

Notes referencing bid information, quote information, 'Sole Source', Bids Waived, etc., must be entered on the appropriate screen.

The requisition may be reviewed at several levels; Cost Center, Accounting, Purchasing, Risk Management, etc.

After a school/department entered requisition has been approved at all the necessary levels, "TERMs" will assign the requisition a Purchase Order number.

Unless there are special instructions, after the Purchase Order has printed, the purchase order and all the copies will be disseminated by Purchasing; vendor/supplier, school/department, Purchasing, and Finance Department.

In most cases the complete turn-around time for a requisition is less than 12 hours (one work day), however, depending on the item(s)/service(s), the completeness of the description, the necessary justifications, the number of levels of approvals, the turn-around time could be longer.

Warehouse Requisitions are handled just as any other requisition/purchase order.

◆ **Information Activities**

Maintains Vendor list (Bidders list) in a manner that assures an efficient, competitive, and fair access to those interested parties that have request to do business with the District,

Maintains Purchasing records in a manner that assures a valid audit trail,

Monitors various markets to evaluate pricing and supply trends,

Monitors District-wide purchasing patterns to establish cost effective measures to fulfill District requirements.

◆ **Operational Activities**

Annual Budget Assistance and Monitoring:

Assists schools and departments in determination of market availability and cost of goods, suppliers, equipment, and services requested during the budget preparation,

Performs periodic pricing updates and verifications,

Assists schools and departments in the development of contracts and agreements for supplies, goods, equipment and services,

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Assists schools and departments in the review of contracts and agreements for commodities and/or services.

### Quotations:

A 'quotation' is an informal bid, either verbal or written, not requiring a public opening. Written evidence of quotes should be maintained as a record and should accompany requests for approval.

### Competitive Solicitations:

All competitive solicitations for the purchase of commodities and services shall be prepared and issued by the Purchasing Department. Purchasing shall also be responsible of sending out the notices, the receiving of the submittals, the opening of the responses, tabulation of the responses, evaluation of the responses, making the recommendation of award to the Board, and the issuing of any and all correspondence in regards to the solicitation.

A database of interested firms will be maintained by the Purchasing Department. Any firm desiring to be placed into this database shall submit a completed vendor application to the Purchasing Department.

**Bid Requests:** Schools/Departments requesting a bid shall fill out a 'Bid Request' form and submit it to the Purchasing Department. With this form any and all information regarding the item(s)/service(s) shall be included.

**Notice to Interested Bidders:** A notice shall be sent to those parties that may have shown an interest in this area and/or any other parties that have an interest in this area. This 'notice' shall give a brief description of the item(s)/service(s) needed, opening date and any other pertinent information about the bid.

**Bid Packages:** Those firms requesting a bid package shall be sent complete details of the item(s)/service(s) needed as well as the terms & conditions necessary for this bid; delivery requirements, quantities, etc.

**Disposition of Bids:** Bids shall be opened publicly and recorded at the time and place designated in the Invitation to Bid. Bids received after that time shall not be accepted and shall be sent back to the bidder. The accepted responses shall be carefully reviewed to insure compliance with all the bid specifications, terms & conditions. Based on the review, recommendations will be prepared and presented to the School Board, by the Superintendent, for award.

**Bid Protests:** Procedures School Board Rule 7.70 shall prevail. Any firm with a legitimate reason to protest shall have 72 hours, after the electronic posting of the intended bid award, to file a 'Bid Protest'. Failure to file a protest within the prescribe time shall constitute a waiver of the proceedings.

### Annual Term Contracts

Annual Term Contracts are used for those goods, supplies, and/or services that are purchased repetitively over the course of a twelve-month period. The District's annual estimated usage along with the technical specifications and the terms & conditions are developed into a competitive solicitation. These

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contracts are awarded by the Board for a base period with the option to renew for an additional time period.

Term contracts establish firm pricing, or discounts, for goods and services for a selected period of time. This allows for accurate budgeting, precludes the necessity of receiving quotes/bids for each purchase, and gives the District the benefit of quantity, thereby maximizing our purchasing power.

### Emergency Purchases

In an emergency situation, many of the purchasing procedures are waived. An “emergency” situation is defined as a situation that may seriously affect the public health, safety or welfare of the students or employees of the District or a situation that may cause loss to the District.

A Department Head or Principal, with the concurrence of the Superintendent, or his designee, in writing has the authority to make or authorize others to make emergency procurements. However, such an emergency purchase shall be made by obtaining pricing information from at least two prospective vendors which must be retained in the contract file, unless the Superintendent determines in writing that the time required to obtain pricing information will increase the immediate danger to the public health, safety, or welfare or other substantial loss to the District.

A full, detailed, written report of the circumstances giving rise to the emergency situation as well as complete details of the procurement procedure and how the product purchased shall be used must be filed by the department/school with Purchasing within a “reasonable” timeframe following the emergency. This timeframe shall not exceed one (1) week. The emergency situation, as documented by the department/school, shall be reported to the Superintendent at the next regular staff meeting.

### Price Reasonableness Study

The Purchasing Department may document a purchase by performing a price reasonableness study. This documentation is accomplished by conducting a market survey of selected vendors. The “price reasonableness” study will be conducted using one or more of the following methods:

- Comparison with previously paid prices,
- Comparison with functionally similar commodities,
- Survey of other consumers (i.e. other governmental agencies).
- Cost analysis whereby the vendor is required to provide his cost breakdown including cost of labor/materials and overhead/profit. Use of this method is limited by the commodity and cooperation of the vendor.

### Annual Maintenance Contracts

The District has several term contracts for the maintenance of or the service of certain equipment, microscopes, balances, etc. Other term maintenance contracts would include termite control and related problems. In this area, should schools/departments have any questions, they should contact the Purchasing Department.

### On-Line Procurement of Goods and Services

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The District shall give consideration to pricing available through the use of “on-line” procurement as referenced in Section 287.057(23)(a), under the rules of the Department of Management Services, Division of Purchasing.

**Section VIII - DEFINITIONS:**

The following definitions apply to this Purchasing Procedures Manual:

**Addendum:** An addition, a clarification or a supplement to a Request for Quotation, Invitation to Bid, Request for Proposal, Request for Qualification or Invitation to Negotiate.

**Award Letter:** A letter to the successful firm(s) notifying it/them of the award of the contract.

**Bid:** An offer submitted by a prospective vendor in response to an Invitation to Bid, issued by the Purchasing Department; becomes a contract after approval by the School Board.

**Blanket Purchase Order:** A purchase order issued to a vendor, for a prescribed period of time and a prescribed dollar amount, or just a prescribed dollar amount, to allow the school/department authorized on the order to secure item(s)/service(s) directly from the firm as needed at the prices, terms and conditions specified on the order.

**Business:** Any corporation, partnership, individual, sole proprietorship, joint stock company, joint venture, or any other private legal entity which has commodities and/or services available for which the School District has a requirement.

**Competitive Sealed Bidding:** Preferred method for acquiring goods, services and construction for public use in which the award is made to the lowest responsive and responsible bidder, based solely on the response to the criteria set forth in the Invitation to Bid document; does not include discussions or negotiations with bidders.

**Construction:** The process of building, altering, repairing, improving, or demolishing any public structure or building or other public improvement of any kind to any public real property owned or leased by the District; does not include routine repair, operation or maintenance of existing real property.

**Contract:** A legally binding promise, enforceable by law, an agreement between parties, with binding legal and moral force, usually exchanging goods or services for money or their consideration, all types of agreements, regardless of what they may be called, for the procurement or disposal of supplies, services or construction; an agreement between a contracting authority and a person or business unit to provide a good, perform a service, construct a work or to lease real property for appropriate consideration

**Contractor:** Any person or firm contracting to provide commodities or services to the District.

**Contractual Service:** The rendering by a contractor of its time and effort rather than the furnishing of specific commodities. A contractual service may include incidental commodities up to 10 percent of the total amount of the contract.

**Definite Quantity Contract:** A Contract to furnish a specific quantity of an item or items at a specified time.

**Domiciled:** The state in which a business has its principal place of business and, as it relates to corporation, the state under whose laws the corporation was formed.

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**Emergency Purchase:** The immediate purchase of commodities or services caused by a sudden, unexpected turn of events beyond the control of the District involving public health, welfare, safety, injury or loss.

**Identical (Tie) Bids:** Two or more bids that are equal in all respects as to price, quality and service.

**Invitation to Negotiate:** A competitive solicitation utilized for complex procurements; usually results in simultaneous negotiations with two or more top-ranked firms.

**NIB:** Notice to Interested Bidders: A notice to individuals, firms, companies, and/or contractors about a competitive solicitation that has been released.

**Notice of Intended Award:** A letter issued by the Purchasing Department to those firms who responded to a competitive solicitation; the purpose is to notify them of the recommendation made by Purchasing regarding the award of the contract.

**Protest:** There are two (2) types of 'Protests': 1) "Protest of Bid Specifications" and 2) "Protest of Award". A "Protest of Bid Specifications" is when a vendor(s) objects to the Technical Specifications. A "Protest of Award" is when a vendor(s) objects to the award methodology or the firm that the award is made to; in order to have a valid protest, the protesting firm must be materially affected.

**Purchase:** An acquisition of commodities or services obtained by purchase order or contract, whether by rent, lease, installment, lease-purchase, or outright purchase.

**Purchasing Activity:** A District activity that includes the development of descriptions/specifications, the solicitation and selection of sources, the preparation and award of contracts for the procurement of commodities and services, the performance of post-award functions, and the administration of contracts.

**Purchasing Agent:** Any person assigned the responsibility by the Superintendent to approve purchase orders, develop competitive solicitations and contracts, administer and oversee any awarded contracts and/or to advise District schools/departments in regard to any of their procurement/contractual needs.

**Quotation:** A written or verbal quotation for commodities or services not requiring a public opening at a specific date and time over \$3,000 but less than \$50,000.

**Request for Proposal (RFP):** All documents, whether attached or incorporated by reference, utilized for soliciting competitive proposals, a solicitation method used for requirements exceeding authorized limits when it is expected that negotiations with one or more bidders may be required with respect to any aspect of the requirements, or other factors will be considered in the selection of the contractor in addition to price, or only one source is being solicited.

**Responsible Bidder:** A bidder or offeror who has the capability in all respects to perform fully the contract requirements, and the experience, integrity, perseverance, reliability, capacity, facilities, equipment, and credit which will assure good faith performance.

**Responsive Bidder:** A vendor who has submitted a bid which conforms in all material respects to the requirements stated in the competitive solicitation.

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**Sole Source Purchase:** Only one vendor possesses the unique and singularly available capability to meet the requirement of the solicitation, such as technical qualifications, ability to deliver at a particular time, or services from a public utility. Under this definition, items that are manufactured by only one vendor but sold through dealers or distributors, is not a sole source because competition is available.

**Term Contract:** A contract to furnish an indefinite quantity of an item(s)/service(s) during a prescribed period of time at a specific price(s).

*Note:*

*Should there be a conflict in the above-referenced definitions, if a definition is required, or if a definition is revised, those definitions as listed in the latest version of the National Institute of Governmental Purchasing, Inc. "Dictionary of Purchasing Terms" shall be incorporated into this procedures manual.*