

PURCHASING AND ACQUISITION

CH
(LOCAL)

**Purchasing
Authority**

The Board delegates to the Superintendent the authority to make budgeted purchases for goods or services. However, any single, budgeted purchase of goods or services that costs \$50,000 or more, regardless of whether the goods or services are competitively purchased, shall require Board approval before a transaction may take place.

The Superintendent shall not be required to obtain Board approval for the following types of budgeted purchases, regardless of cost, but shall subsequently report them to the Board:

1. A purchase made pursuant to a Board-approved interlocal contract, in accordance with law;
2. A purchase made through a cooperative purchasing program or state purchasing program that satisfies the District's obligation for competitive purchasing [see CH(LEGAL) or CBB(LEGAL), as appropriate];
3. A continuing or periodic purchase under a Board-approved bid or contract;
4. Any purchase for produce or fuel; or
5. Any professional contracted service for which the contracted individual is employed in lieu of an approved budgeted position.

**Exception for
Emergency
Contracts**

In the event of a catastrophe, emergency, or natural disaster affecting the District, the Board delegates to the Superintendent the authority to contract for the replacement, construction, or repair of school equipment or facilities in accordance with law, if emergency replacement, construction, or repair is necessary for the health and safety of District students and staff. The Superintendent shall report to the Board at the next regular meeting any contract made under this authority. [See Disaster Exception, CH(LEGAL)]

The delegation regarding emergency contracts does not waive competitive purchasing requirements under Education Code Chapter 44. Only the Board is authorized to waive competitive purchasing requirements under limited circumstances in accordance with Education Code 44.031(h). [See Emergency Damage or Destruction, CH(LEGAL)]

**Purchasing
Procedures**

The Superintendent shall develop purchasing procedures to implement the requirements of state and federal law. [See also CB, CBB, CH(LEGAL), and COA]

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Purchasing Method	The Board delegates to the Superintendent the authority to determine the method of purchasing in accordance with CH(LEGAL) or CBB(LEGAL), as appropriate.
<i>Competitive Bidding</i>	<p>If competitive bidding is chosen as the purchasing method, the Superintendent shall prepare bid specifications. All bids shall be in accordance with administrative regulations, and the submission of any electronic bids shall also be in accordance with Board-adopted rules. All bidders shall be invited to attend the bid opening. Any bid may be withdrawn prior to the scheduled time for opening. Bids received after the specified time shall not be considered.</p> <p>The District may reject any and all bids in accordance with state or federal law, as applicable.</p>
<i>Competitive Sealed Proposals</i>	<p>If competitive sealed proposals are chosen as the purchasing method, the Superintendent shall prepare the request for proposals and/or specifications for items to be purchased. All proposals shall be in accordance with administrative regulations, and the submission of any electronic proposals shall also be in accordance with Board-adopted rules. Proposals received after the specified time shall not be considered. Proposals shall be opened at the time specified, and all proposers shall be invited to attend the proposal opening. Proposals may be withdrawn prior to the scheduled time of opening. Changes in the content of a proposal, and in prices, may be negotiated after proposals are opened.</p> <p>The District may reject any and all proposals in accordance with state or federal law, as applicable.</p>
Electronic Bids or Proposals	Bids or proposals that the District has chosen to accept through electronic transmission shall be administered in accordance with Board-adopted rules. Such rules shall safeguard the integrity of the competitive procurement process; ensure the identification, security, and confidentiality of electronic bids or proposals; and ensure that the electronic bids or proposals remain effectively unopened until the proper time.
Compliance with Historically Underutilized Businesses and Women-Owned Business Statutes	In accordance with the requirements of Tex. Educ. Code § 44.031(b)(6) and Tex. Gov't Code Chapter 2161, the District shall have a continuing goal to create opportunities for participation of historically underutilized businesses (HUBs) and minority- and women-owned business enterprises (WBEs), and remove barriers to their opportunities to participate to the maximum extent possible, consistent with State and Federal law in all facets of the District's contracting and purchasing activities.

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The District shall develop and maintain administrative procedures to ensure that HUBs and firms owned or operated by women are afforded an equitable opportunity to compete for all District contracts. Such procedures may include, but not be limited to:

1. Pre-bid and pre-proposal conferences;
2. Seminars and training workshops to assist HUBs and WBE-designated vendors to become active participants in District contracting opportunities; and
3. Clarification of District department expectations regarding expectations of ethical conduct of vendors, District employees, and Board members.

Definitions

The District shall require each department to make a good faith effort to ensure that HUBs and WBEs, along with all other prospective vendor receive an equal opportunity to seek the award of the department's contract dollars.

A HUB is defined as a business formed for the purpose of making a profit in which at least 51 percent of the business is owned, operated, and controlled by one or more of the following:

1. Historically underutilized business (HUB) is defined by Tex. Gov't Code § 2161.001 to mean: "an entity with its principal place of business in this state that is:
 - (A) a corporation formed for the purpose of making a profit in which 51 percent or more of all classes of the shares of stock or other equitable securities are owned by one or more economically disadvantaged persons who have a proportionate interest and actively participate in the corporation's control, operation, and management;
 - (B) a sole proprietorship created for the purpose of making a profit that is completely owned, operated, and controlled by an economically disadvantaged person;
 - (C) a partnership formed for the purpose of making a profit in which 51 percent or more of the assets and interest in the partnership are owned by one or more economically disadvantaged persons who have a proportionate interest and actively participate in the partnership's control, operation, and management;

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(D) a joint venture in which each entity in the venture is a historically underutilized business, as determined under another paragraph of this subdivision; or

(E) a supplier contract between a historically underutilized business and a prime contractor under which the historically underutilized business is directly involved in the manufacture or distribution of the goods or otherwise warehouses and ships the goods.

2. Woman-owned business enterprise (WBE) is defined for purposes of this policy as a business enterprise at least 51 percent owned by a woman or women; or in the case of a publicly owned business, for which at least 51 percent of the stock is owned by one or more women and whose management and daily business operations are controlled and operated by one or more women.

However, nothing in this policy shall operate in violation of law, including the provisions of the revised civil statutes of Texas, Texas Education Code 44.031, or any other provision of state or federal law.

**Certification as
HUB or WBE**

Any business wishing to be identified by the District as a small, or women-owned business shall be certified as such by the City of Crowley, the City of Fort Worth, Tarrant County, the state of Texas, the North Central Texas Regional Certification Agency, the U.S. Small Business Administration (SBA), or any other recognized certification agency.

Concerns

Any person wishing to express a concern involving the District's HUB and WBE program may do so in accordance with policies at DGBA, FNG, or GF, as appropriate.

**Responsibility for
Debts**

The Board shall assume responsibility for debts incurred in the name of the District so long as those debts are for purchases made in accordance with the adopted budget, state law, Board policy, and the District's purchasing procedures. [See CE] The Board shall not be responsible for debts incurred by persons or organizations not directly under Board control. Persons making unauthorized purchases shall assume full responsibility for all such debts.

**Purchase
Commitments**

All purchase commitments shall be made by the Superintendent in accordance with administrative procedures, including the District's purchasing procedures.

Personal Purchases

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District employees shall not be permitted to make purchases for personal use through the District's business office.