



# Purchasing Department Manual

**March 22, 2021**



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**Pursuant to Requirements in 2 CFR Part 200: Uniform Administrative Requirements, Cost Principals, and Audit Requirements for Federal Awards, and Education Department General Administrative Regulations (EDGAR)**

The District shall comply with all EDGAR federal regulations in the management of federal grant awards and state-administered grants, as designated by the Texas Education Agency.

**EDGAR Compliant**

The District’s purchasing procedures are intended to comply with all federal (2CFR 200), state and local procurement requirement, including new EDGAR Procurement Standards.

For solicitations notating “EDGAR Form”, the Socorro ISD’s Purchasing Department shall be responsible for ensuring compliance with all federal, state and local procurement requirements and for ensuring that the district maintains an up-to-date procurement history to include, but not limited:

- Independent Estimate
- Cost and Price Analysis
- Advertisement date(s) of the procurement
- Selection criteria with weights
- Evaluation/selection of Vendor
- Negotiation of profit if only one (1) vendor responded
- Contract provisions

**Not EDGAR Compliant.**

These solicitations shall not be utilized with federal/state mandated funds.

Socorro ISD will comply with the United States Department of Agriculture (USDA)/ Texas Department of Agriculture (TDA) regulations.



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## **1-Introduction**

### 1.1 Mission Statement

The Department of Purchasing will procure a continuous supply of goods and services at the best value, in support of Socorro Independent School District and its commitment to provide the best academic environment possible.

### 1.2 Purpose

To distribute and see the execution of the Purchasing policies and procedures to all employees of the Socorro Independent School District, hereafter referred to as “SISD” or “District”.

### 1.3 Scope

The scope of the District in centralizing the purchasing function is to comply with state laws and policies of the Socorro Independent School District Board of Trustees, hereafter, called the Board. State law does not mandate that District purchase at the lowest price available in the marketplace. The law mandates that the District purchase at the best value, meeting published specifications, in accordance to the applicable competitive pricing statues and local Board policies. Therefore, the primary object of the Purchasing Department is to make purchases in compliance with the applicable statutes and policies. CFR 200.318 General procurement standards (a) The non-Federal entity must use its own documented procurement procedures which reflect applicable State, local, and tribal laws and regulations, provided that the procurements conform to applicable Federal law and the standards identified in this part.

### 1.4 Former Procedures

This manual rescinds all previous operational policies and procedures, whether written or verbal, concerning the purchasing functions.

### 1.5 Responsibility

It is the responsibility of the District employees involved in any aspect of the purchasing function to be familiar with these policies and procedures. The employees are to follow them in the execution of day-to-day business, and to report any violations to their immediate supervisor. The primary staff responsibility for compliance with procedures is assigned to the Director of Purchasing.

### 1.6 Organization chart

The Purchasing Department performs many operations in the procurement of goods and services for the district. It is basically divided into two interrelated sections and functions, the order processing group and the contracting and bidding group. Please reference the attached organizational chart.



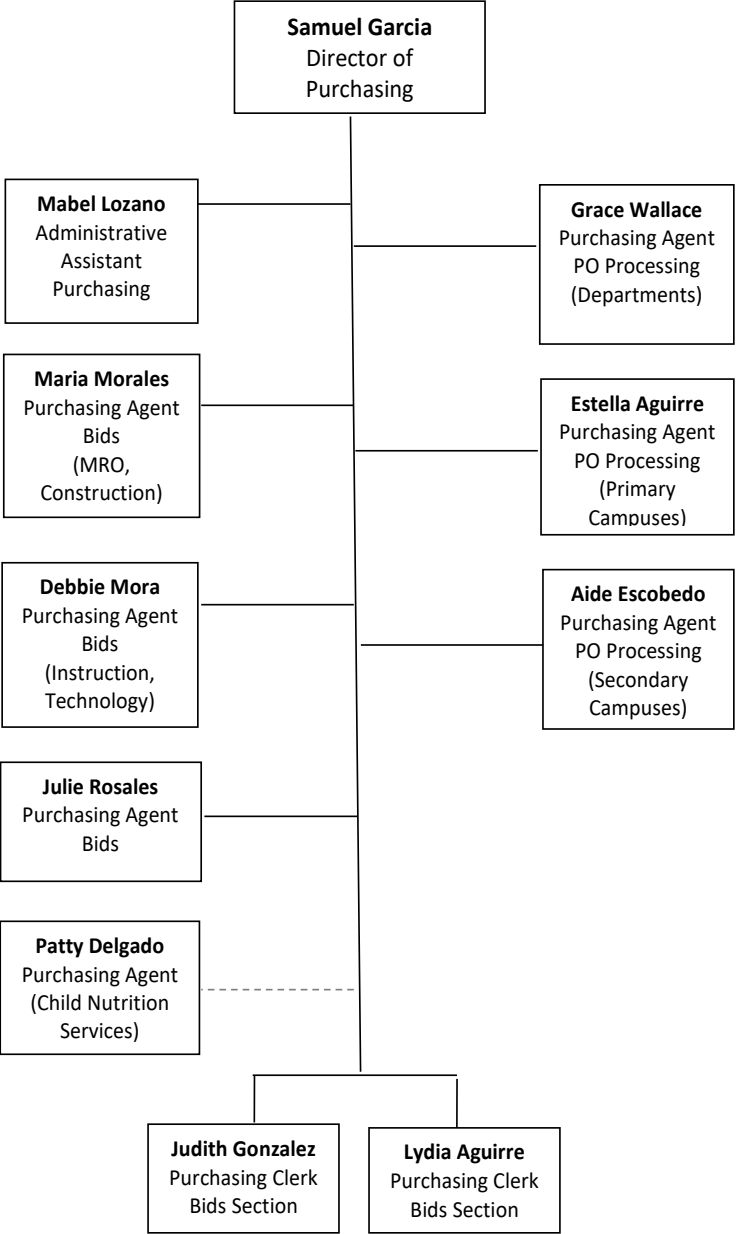
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# Purchasing Department Organizational Chart



As of 6/19/20



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The following is from District policy DH-Exhibit.

Professional Ethical Conduct, Practices, and Performance.

Standard 1.1. The educator shall not intentionally, knowingly, or recklessly engage in deceptive practices regarding official policies of the District, educational institution, educator preparation program, the Texas Education Agency, or the State Board for Educator Certification (SBEC) and its certification process.

Standard 1.2. The educator shall not knowingly misappropriate, divert, or use monies, personnel, property, or equipment committed to his or her charge for personal gain or advantage.

Standard 1.3. The educator shall not submit fraudulent requests for reimbursement, expenses, or pay.

Standard 1.4. The educator shall not use institutional or professional privileges for personal or partisan advantage.

Standard 1.5. The educator shall neither accept nor offer gratuities, gifts, or favors that impair professional judgment or to obtain special advantage. This standard shall not restrict the acceptance of gifts or tokens offered and accepted openly from students, parents of students, or other persons or organizations in recognition or appreciation of service.

Standard 1.6. The educator shall not falsify records, or direct or coerce others to do so.

Standard 1.7. The educator shall comply with state regulations, written local Board policies, and other state and federal laws.

Standard 1.8. The educator shall apply for, accept, offer, or assign a position or a responsibility on the basis of professional qualifications.

Standard 1.9. The educator shall not make threats of violence against District employees, Board members, students, or parents of students.

Standard 1.10. The educator shall be of good moral character and be worthy to instruct or supervise the youth of this state.

Standard 1.11. The educator shall not intentionally or knowingly misrepresent his or her employment history, criminal history, and/or disciplinary record when applying for subsequent employment.

Standard 1.12. The educator shall refrain from the illegal use or distribution of controlled substances and/or abuse of prescription drugs and toxic inhalants.

Standard 1.13. The educator shall not consume alcoholic beverages on school property or during school activities when students are present.



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Gifts and gratuities

***Employees of the District shall not accept or receive gifts or gratuities from representatives of companies directly from the company.*** This pertains to supplies, equipment, or construction for the District. The employees may not promise or obligate future awards or compensation based upon gifts, gratuities, rebates or discounts given.

Restrictions on certain purchases

***District funds will not be used to purchase personal items.*** Memberships to organizations and certain subscriptions are considered personal and not allowed unless approved prior by the Superintendent or designee. Memberships should be for the position/entity and not the individual.

1.8 Conflicts of Interest

School district employees are limited in the types of employment in which they may be involved outside of normal school activities.

1. An employee shall not accept or solicit any gift, favor, service, or other benefit that could reasonably be construed to influence the employee's discharge of assigned duties and responsibilities.
2. An employee shall not have a personal financial interest, a business interest, or any other obligation that in any way creates a substantial conflict with the proper discharge of assigned duties and responsibilities or that creates a conflict with the best interest of the District.
3. Each employee shall disclose, to the best of his or her knowledge, in writing to the Superintendent, Director of Purchasing, or designee any financial or ownership interest in any business or other purchase arrangement with the district.
4. An employee who believes he or she has or may have a conflict of interest shall disclose the interest to the Superintendent or designee, who shall take whatever action is necessary, if any, to ensure that the District's best interests are protected.



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Employees shall adhere to the laws, rules, regulations, policies and the following standards of conduct.

1. Conduct business honestly, openly and with integrity.
2. Avoid conflicts of interest situations by not conducting business with a company or firm which the official or any member of the official's family has a vested interest.
3. Avoid preferential treatment of one outside interest group, company or individual over another.
4. Avoid using the position for personal gain.
5. Never accept or offer illegal payment, for goods/services rendered.
6. Refrain from accepting gifts, free services or anything of value for or because of any act performed or withheld.
7. Permit the use of school property only for officially authorized activities.

Purchasing Department Internal Code of Ethics

1. Avoid the intent and appearance of unethical or compromising practice in relationships, actions and communications.
2. Demonstrate loyalty to your employer by diligently following the lawful instructions of your employer, using reasonable care and only authority granted.
3. Refrain from any private business or professional activity that would create a conflict between personal interests and those of your employer.
4. Refrain from soliciting or accepting money, loans, credits, discounts, gifts entertainment, favors or services from present or potential suppliers.
5. Handle confidential or proprietary information with due care and proper consideration of ethical and legal ramifications and governmental regulations.
6. Promote positive supplier relationships through courtesy and impartiality.
7. Know and obey the letter and spirit of laws governing the purchasing function and remain alert to the legal ramifications of purchasing decisions.
8. Ensure that all segments of society have the opportunity to participate in district contracts.
9. Discourage purchasing involvement in employer-sponsored programs of personal purchases, which are not business related.
10. Enhance the stature of the purchasing profession by improving your technical knowledge and adhering to the highest ethical standards.

CFR 200.318 General Procurement Standards (c) (1) In addition to avoiding conflicts of interest and ensuring full and open competition as described above, the District's written procurement procedures for purchases made with federal funds reflect applicable state and local laws and regulations and conform to the following federal standards for procuring goods and services with federal funds.



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## 1.9 Governance

One of the main guidelines governing the procurement function is from the Texas Education Code, Subchapter B. 44.031, Purchasing Contracts.

(a) Except as provided by this subchapter, all school district contracts for the purchase of goods and services, except contracts for the purchase of produce or vehicle fuel, valued at \$50,000 or more in the aggregate for each 12-month period shall be made by the method, of the following methods, that provides the best value for the district:

- (1) competitive bidding for services other than construction services;
- (2) competitive sealed proposals for services other than construction services;
- (3) a request for proposals, for services other than construction services;
- (4) an interlocal contract;
- (5) a method provided by Chapter 2269, Government Code, for construction services;
- (6) the reverse auction procedure as defined by Section 2155.062(d), Government Code; or
- (7) the formation of a political subdivision corporation under Section 304.001, Local Government Code.

(b) Except as provided by this subchapter, in determining to whom to award a contract, the district shall consider:

- (1) the purchase price;
- (2) the reputation of the vendor and of the vendor's goods or services;
- (3) the quality of the vendor's goods or services;
- (4) the extent to which the goods or services meet the district's needs;
- (5) the vendor's past relationship with the district;
- (6) the impact on the ability of the district to comply with laws and rules relating to historically underutilized businesses;
- (7) the total long-term cost to the district to acquire the vendor's goods or services;
- (8) for a contract for goods and services, other than goods and services related to telecommunications and information services, building construction and maintenance, or instructional materials, whether the vendor or the vendor's ultimate parent company or majority owner:
  - (A) has its principal place of business in this state; or
  - (B) employs at least 500 persons in this state; and

(9) any other relevant factor specifically listed in the request for bids or proposals.

(b-1) In awarding a contract by competitive sealed bid under this section, a school district that has its central administrative office located in a municipality with a population of less than 250,000 may consider a bidder's principal place of business in the manner provided by Section 271.9051, Local Government Code. This subsection does not apply to the purchase of telecommunications services or information services, as those terms are



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- (c) The state auditor may audit purchases of goods or services by the district.
- (d) The board of trustees of the district may adopt rules and procedures for the acquisition of goods or services.
- (e) To the extent of any conflict, this subchapter prevails over any other law relating to the purchasing of goods and services except a law relating to contracting with historically underutilized businesses.
- (f) This section does not apply to a contract for professional services rendered, including services of an architect, attorney, certified public accountant, engineer, or fiscal agent. A school district may, at its option, contract for professional services rendered by a financial consultant or a technology consultant in the manner provided by Section 2254.003, Government Code, in lieu of the methods provided by this section.
- (g) Notice of the time by when and place where the bids or proposals, or the responses to a request for qualifications, will be received and opened shall be published in the county in which the district's central administrative office is located, once a week for at least two weeks before the deadline for receiving bids, proposals, or responses to a request for qualifications. If there is not a newspaper in that county, the advertising shall be published in a newspaper in the county nearest the county seat of the county in which the district's central administrative office is located. In a two-step procurement process, the time and place where the second-step bids, proposals, or responses will be received are not required to be published separately.
- (h) If school equipment, a school facility, or a portion of a school facility is destroyed, severely damaged, or experiences a major unforeseen operational or structural failure, and the board of trustees determines that the delay posed by the contract methods required by this section would prevent or substantially impair the conduct of classes or other essential school activities, then contracts for the replacement or repair of the equipment, school facility, or portion of the school facility may be made by a method other than the methods required by this section.
- (h) If school equipment or a part of a school facility or personal property is destroyed or severely damaged or, as a result of an unforeseen catastrophe or emergency, undergoes major operational or structural failure, and the board of trustees determines that the delay posed by the methods provided for in this section would prevent or substantially impair the conduct of classes or other essential school activities, then contracts for the replacement or repair of the equipment or the part of the school facility may be made by methods other than those required by this section.
- (i) A school district may acquire computers and computer-related equipment, including computer software, through the Department of Information Resources under contracts entered into in accordance with Chapter 2054 or 2157, Government Code. Before issuing an invitation for bids, the department shall consult with the agency concerning the computer and computer-related equipment needs of school districts. To the extent possible the resulting contract shall provide for such needs.



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(j) Without complying with Subsection (a), a school district may purchase an item that is available from only one source, including:

- (1) an item for which competition is precluded because of the existence of a patent, copyright, secret process, or monopoly;
- (2) a film, manuscript, or book;
- (3) a utility service, including electricity, gas, or water; and
- (4) a captive replacement part or component for equipment.

(k) The exceptions provided by Subsection (j) do not apply to mainframe data-processing equipment and peripheral attachments with a single-item purchase price in excess of \$15,000.

(l) Each contract proposed to be made by a school district for the purchase or lease of one or more school buses, including a lease with an option to purchase, must be submitted to competitive bidding when the contract is valued at \$20,000 or more.

(m) If a purchase is made at the campus level in a school district with a student enrollment of 180,000 or more that has formally adopted a site-based decision-making plan under Subchapter F, Chapter 11, that delegates purchasing decisions to the campus level, this section applies only to the campus and does not require the district to aggregate and jointly award purchasing contracts. A district that adopts site-based purchasing under this subsection shall adopt a policy to ensure that campus purchases achieve the best value to the district and are not intended or used to avoid the requirement that a district aggregate purchases under Subsection (a).

CFR 200.318 General procurement standards. (b) Non-Federal entities must maintain oversight to ensure that contractors perform in accordance with the terms, conditions, and specifications of their contracts or purchase orders.

1.10 Enforcement of Purchase Procedures: Criminal Penalties; Removal; Ineligibility - Texas Education Code, Subchapter B. 44.032.

(a) In this section:

(1) "Component purchases" means purchases of the component parts of an item that in normal purchasing practices would be purchased in one purchase.

(2) "Separate purchases" means purchases, made separately, of items that in normal purchasing practices would be purchased in one purchase.

(3) "Sequential purchases" means purchases, made over a period, of items that in normal purchasing practices would be purchased in one purchase.

(b) An officer, employee, or agent of a school district commits an offense if the person with criminal negligence makes or authorizes separate, sequential, or component purchases to avoid the requirements of Section 44.031(a) or (b). An offense under this subsection is a Class B misdemeanor and is an offense involving moral turpitude.

(c) An officer, employee, or agent of a school district commits an offense if the



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person with criminal negligence violates Section 44.031(a) or (b) other than by conduct described by Subsection (b). An offense under this subsection is a Class B misdemeanor and is an offense involving moral turpitude.

(d) An officer or employee of a school district commits an offense if the officer or employee knowingly violates Section 44.031, other than by conduct described by Subsection (b) or (c). An offense under this subsection is a Class C misdemeanor.

(e) The final conviction of a person other than a trustee of a school district for an offense under Subsection (b) or (c) results in the immediate removal from office or employment of that person. A trustee who is convicted of an offense under this section is considered to have committed official misconduct for purposes of Chapter 87, Local Government Code, and is subject to removal as provided by that chapter and Section 24, Article V, Texas Constitution. For four years after the date of the final conviction, the removed person is ineligible to be a candidate for or to be appointed or elected to a public office in this state, is ineligible to be employed by or act as an agent for the state or a political subdivision of the state, and is ineligible to receive any compensation through a contract with the state or a political subdivision of the state. This subsection does not prohibit the payment of retirement benefits to the removed person or the payment of workers' compensation benefits to the removed person for an injury that occurred before the commission of the offense for which the person was removed. This subsection does not make a person ineligible for an office for which the federal or state constitution prescribes exclusive eligibility requirements.

(f) A court may enjoin performance of a contract made in violation of this subchapter. A county attorney, a district attorney, a criminal district attorney, a citizen of the county in which the school district is located, or any interested party may bring an action for an injunction. A party who prevails in an action brought under this subsection is entitled to reasonable attorney's fees as approved by the court.

## 2 Bidding

### 2.1 Procedures for Electronic Bids or Proposals - Texas Education Code, Subchapter B 44.0313.

(a) A school district may receive bids or proposals under this chapter through electronic transmission if the board of trustees of the school district adopts rules to ensure the identification, security, and confidentiality of electronic bids or proposals and to ensure that the electronic bids or proposals remain effectively unopened until the proper time.

(b) Notwithstanding any other provision of this chapter, an electronic bid or proposal is not required to be sealed. A provision of this chapter that applies to a sealed bid or proposal applies to a bid or proposal received through electronic transmission in accordance with the rules adopted under Subsection (a).



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Competitive solicitations - are a formal process that may also be referred to as competitive proposals, request for qualifications, competitive sealed proposals etc. It is an option available to school districts for the procurement of goods or services. The request for solicitations contains the purchase description or specifications covering the item(s), work and/or services needed, the terms and conditions, the time and place for opening of the solicitations and other provisions as necessary. The advertisement for solicitations; and description in the request for proposal(s) of item(s), work and/or services needed, and specific terms and conditions must be done in a manner that accomplishes the primary purpose of competitive solicitation – stimulate competition and obtain the lowest practical price for the work, service and/or items(s) needed. Competitive solicitation is a lengthy process. From the initial step of “determination of need” through the award of contract by the Board, the average time period is approximately thirty (30) to one-hundred twenty (120) calendar days. The competitive solicitation process requires that proposals be evaluated and awards based solely on specifications, terms and conditions contained in the solicitation documents, and according to the prices offered by vendors and pertinent factors that may affect contract performance. SISD does not award solely on the basis of the lowest bid(s), rather on the lowest and best value as determined to be in the best interests of the District.

The Board of Trustees is the contracting authority for the District. The Director of Purchasing makes formal recommendations to the Board for an award of contract. No contract shall be created, express or implied, until a final written contract is issued and signed by an individual authorized by Socorro ISD.

#### Request for Bid / Invitation to Bid

The invitation to Bid (ITB) / Request for Bid (RFB), is used when the department knows the type of goods or services required. The quantity is a known fact and will not vary during the fiscal year. Costs are usually readily identified before the process begins and can be guaranteed as stated.

CFR 200.319 Competition (a) All procurement transactions must be conducted in a manner providing full and open competition consistent with the standards of this section. In order to ensure objective contractor performance and eliminate unfair competitive advantage, contractors that develop or draft specifications, requirements, statements of work, or invitations for bids or requests for proposals must be excluded from competing for such procurements.

Public Notice – Notice of the time by when and place where the solicitation/bids or proposals or the responses to a request for qualifications, will be received shall be published in the county in which the district’s central administration office is located, once a week for at least two weeks before the deadline for receiving bids, proposals, or responses to a request for qualifications; and if there is not a newspaper in that county the advertisement shall be published in a newspaper in the country nearest the county seat of the county in which the district’s central administration is located. Texas



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Bid acceptance and Evaluation Process

1. Bids are to be accepted at the advertised date and time.
2. The names of the submitting bidders and their respective unit and/or overall prices will be read into the record.
3. Bids will be evaluated on the basis of compliance to the published specifications.
4. Bids will be awarded on the basis of lowest or overall lowest prices, meeting specifications, as deemed in the best interest of the District.
5. Correction/withdrawal of bids; cancellation of awards criteria – in case of errors in extensions, unit prices shall govern. In cases of errors on unit prices bidders shall be allowed to withdraw their bids on the respective line items. Bid awards may be rescinded in cases of non-performance or non-compliance to the published specifications, term and/or conditions.

Competitive Sealed Proposals / Requests for Proposals

Conditions for use – The competitive sealed proposals (CSP) or Request for Proposal (RFP) is an alternative to competitive bidding. An important difference between competitive sealed proposals and competitive bidding relates to the finality of initial offers. Under competitive sealed proposals, changes in the nature of a proposal, and in prices, may be negotiated after proposals are opened. In contrast, changes in the price of goods and services are not negotiable in the competitive bidding process.

Competitive proposal procedures are recommended where other procurement procedures are not required according to federal rules, laws or regulations, in order to stimulate competitive prices for services. Request for Proposals may also generate non-sealed competitive proposal which would allow a school district to open the proposals upon receipt. CFR 200.320 Methods of procurement (c) Procurement by sealed bids (formal advertising).

Public Notice – same requirements as for the competitive bid process.

Receipt / evaluation procedures for proposals

The primary difference from the Competitive Bid process lies within the evaluation process. Competitive Bids are awarded solely upon how the bidder satisfied the written specifications. Full disclosure regarding participating bidders and their respective pricing offers is open to the public upon the opening of the bids. However, within the RFP process only the names of participating respondents can be made available to the public. The pricing information has to remain confidential to the District until an award of contract is made. Failure to do so can result in the returned proposals being rendered “void” with the entire proposal process being required to start over. Requests for Proposals are tabulated, reviewed and evaluated by a team of staff members



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from the Purchasing Department and the end user requesting the proposal. A point system can be utilized in the scoring process so that all recommendations can be justified for award of contract.

Procedures for negotiating with vendors.

Whereas, negotiations are not allowed with the Competitive bid process, negotiations are an integral part of the RFP/CSP process. All selected respondents are allowed the opportunity to respond to questions and required modifications to the original proposal as deemed necessary by the District. Upon completion of the negotiation process, selected respondents can and may be asked to submit their “Best and Final Offer” (BAFO) for review by the District.

Procedures for award of Contracts

Upon acceptance of the Best and Final Offer, the evaluation team will submit their recommendation for award, in writing through the Purchasing Department to the Board of Trustees. No contract shall be created, express or implied, until a final written contract is issued and signed by an individual authorized by Socorro ISD.

Interlocal Contracts.

The Interlocal Cooperation Act – “The purpose of this chapter is to increase the efficiency and effectiveness of local governments by authorizing them to contract, to the greatest possible extent, with one another and with agencies of the state” Texas Government Code, Chapter 791. Interlocal Cooperation Contracts, Subchapter A. General Provisions. 791.001 Purpose.

Authorization for agreement – “A local government may contract or agree with another local government to perform governmental functions and services in accordance with chapter. Texas Government Code, Chapter 791. Interlocal Cooperation Contracts, Subchapter B. General Interlocal Contracting Authority 791.011 Contracting Authority; Terms Local Government defined. – “In this subchapter, “local government” means a county, municipality, special district, school district, junior college district or other legally constituted political subdivision of the state”.



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Request to Process

The Purchasing Department utilizes a Request to Process form to capture the necessary information needed to begin the solicitation process. An administrator or Campus Principal must fill out and submit this request. This form is to be used for any calendar solicitation and any expenditure in excess of \$50,000 that is not currently under contract award. A copy of this form is available on the Department website. Specifications for proposals along with the process bid/solicitation form are to be turned in to the Purchasing Department for review by the Director of Purchasing. The Director of Purchasing will review the specifications and schedule a solicitation opening date.

Advertising of Solicitation. – Any solicitations over \$50,000 or more will require to be advertised in one local newspaper once a week for two consecutive weeks. Solicitations utilizing USDA funds will be advertised in two local newspapers.

Opening of Sealed Proposals

When using the e-Bid system, the district's electronic web based vendor registration and bidding system, the process is automated.

Paper or manual bids are still accepted and on certain occasions, the e-Bid system may not be used, therefore all proposals must be sealed and plainly marked with the name of the proposer along with the date and time of the opening. Proposals need to be received in the office, Socorro ISD District Service Center, Purchasing Department, 12440 Rojas Drive, El Paso, Texas 79928 prior to the opening time. All proposals must be stamped with the date and time of receipt. Sealed submittals will be received by Socorro Independent School District at the time and date which were advertised. At this time the proposer shall be invited to attend the opening and the identity of all respondents will be read aloud. Any proposals which are received after the opening date and time will be stamped accordingly and returned to the vendor without action. Faxed proposals will not be accepted. No proposal can be received or withdrawn after the opening time without the consent of the Director of Purchasing. The Director of Purchasing can and will have final decision on acceptance or declining of proposals which were received after the opening date and time based on the Districts best interest.



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When evaluating submittals, a recommendation committee will be composed and review the proposals on the following factors:

- (1) the purchase price;
- (2) the reputation of the vendor and of the vendor's goods or services;
- (3) the quality of the vendor's goods or services;
- (4) the extent to which the goods or services meet the district's needs;
- (5) the vendor's past relationship with the district;
- (6) the impact on the ability of the district to comply with laws and rules relating to historically underutilized businesses;
- (7) the total long-term cost to the district to acquire the vendor's goods or services;
- (8) for a contract for goods and services, other than goods and services related to telecommunications and information services, building construction and maintenance, or instructional materials, whether the vendor or the vendor's ultimate parent company or majority owner:
  - (A) has its principal place of business in this state; or
  - (B) employs at least 500 persons in this state; and
- (9) any other relevant factor specifically listed in the request for bids or proposals.

The committee may recommend the most responsive vendor(s) with the best proposal. Whenever the lowest price is not recommended, the committee will provide written justification for the recommendation submitted to the Board of Trustees.

In a case of tie the committee may consider the following factors;

1. Location of vendor
2. Number of days for delivery
3. Past performance

All proposals in the amount of \$100,000 or more need to be approved by the Board of Trustees. CH (Local)

All proposals that result in a total award of less than \$100,000 can and will be awarded administratively by the Director of Purchasing.

If proposal recommendations are approved by the Board of Trustees, the Purchasing Department will post the awarded tabulation on the SISD Purchasing website. Construction solicitation vendors will be sent a tabulation of the awarded summary sheet.

In the case of a protest or dispute of an action taken by the Department of Purchasing any vendor may write a letter outlining any concerns which may exist to:

Director of Purchasing  
12440 Rojas Drive  
El Paso, Texas 79928



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## 2.5 Emergency Purchase

Definition – Purchase or purchases made not in accord to the competitive bidding requirement due to an emergency condition such as a natural or man-made disaster.

Conditions for use – If school equipment or a part of a school facility or personal property is destroyed or severely damaged or, as a result of an unforeseen catastrophe or emergency, undergoes major operational or structural failure, and the board of trustees determines that the delay posed by the methods provided for in this section would prevent or substantially impair the conduct of classes or other essential school activities, then contracts for the replacement or repair of the equipment or the part of the school facility may be made by methods other than those required by this section. Texas Education Code, Chapter 44, Fiscal Management, Subchapter B. Purchase; Contracts, 44.031(h)

Documentation required – Verifications of the circumstances for the emergency condition and approval for, or ratification of, by the Board of Trustees of the emergency purchases.

## 2.6 Vendor Evaluation form (Vendor Performance Report)

The purchasing department encourages feedback on the performance of the vendors the district contracts with. During the bidding process this documentation is extremely valuable in award recommendations. It ensures that reliable proven vendors will be recommended. A vendor evaluation form is available on the district web page. This form simplifies the reporting process and allows the department to communicate to the Purchasing Department on both areas for improvement and service related issues. This form can also be used to recognize any outstanding service received from a district vendor.

## 2.7 Bid calendar

The Purchasing department will maintain an annual bid calendar. The Purchasing Department will send a notification to the user department or campus at least 90 days prior to termination or renewal date requesting required information for a new solicitation or acceptance of renewal.



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## SISD Commodity Code Listing

010	Administrative Services	216	Instructional Materials, Textbooks
011	Advertising	217	Software/Program/Online Licenses
015	Agricultural	218	Instructional Materials, Writing
020	Air Conditioning & Related Items	219	Instructional Materials, GT
030	Apparel, General	220	Janitorial Equipment and Supplies
031	Apparel, Fine Arts	225	Laundry, Dry Cleaning and Equipment Supplies
032	Apparel, Work Uniforms	228	Licenses, Instructional Software
040	Appliances	229	Licenses, District Operations
045	Aquatic Equipment & Supplies	230	Lighting, Supplies & Fixtures
050	Art Equipment & Supplies	240	Library Books
060	Athletic Equipment	241	Library Services
061	Athletic, Training Supplies	242	Library Supplies
062	Athletic Apparel	245	Mail Room Equipment & Supplies
063	Athletic Rental Facility	250	Maintenance Equipment & Supplies
070	Audio Visual Equipment & Supplies	251	Maintenance Equipment & Supplies, HVAC
074	Automotive (Career and Technology)	252	Maintenance Equipment & Supplies, Building
075	Automotive (Equipment, New)	253	Maintenance Equipment & Supplies, Special Systems
076	Automotive (Bus Related)		
077	Automotive (Services)	254	Maintenance Equipment & Supplies, Food Service
078	Automotive (Maintenance)	255	Maintenance Equipment and Supplies, Plumbing
079	Automotive (Food Services)	256	Maintenance Equipment and Supplies, Electrical
080	Awards and Recognition	257	Maintenance Equipment and Supplies, Aquatic
081	Awards, Graduation	258	Maintenance Equipment and Supplies, Welding
085	Building Equipment Supplies	259	Memberships
086	Buildings and Structures	260	Medical Equipment and Supplies
090	Catering Services	261	Medical Equipment and Supplies, Pharmaceutical
091	Certifications	262	Toiletry Products
100	Communications	265	Musical Instruments and Supplies
110	Computer Hardware	270	Office Equipment
111	Computer Network	271	Office Supplies, Consumables
112	Computer Peripherals	280	PA System and Sound Systems
113	Computer Software	285	Painting Equipment and Supplies
114	Computer Supplies	290	Paper, Related Products
115	Copy Machines	300	Periodicals
120	Construction	310	Photographic Equipment & Supplies
121	Construction, Professional Services	320	Playground Equipment
125	Educational Services - Consulting	330	Plumbing Equipment & Supplies
130	Electrical Equipment & Supplies	340	Portable Classrooms and Related
135	Environmental Services, Chemical, Pest	350	Printing Equipment & Supplies
136	Environmental Services, Asbestos	351	Printing Services
140	Financial Services	355	Professional Services - Contracted
141	Financial Services, Depository	356	Professional Services - Contracted, Special Education
142	Financial Services, Benefits		
143	Flooring - Material and Supplies	357	Rentals
145	Floral Supplies	358	Rentals, District Operations
147	Food Service Equipment	359	Reimbursement
150	Food-Items Bakery	360	Safety Related Equipment & Supplies
151	Food-Items Dairy	370	Special Education, Equipment & Supplies
152	Food-Items Ethnic	371	Special Education, Instructional Material
153	Food-Items Frozen	375	Staff Development
154	Food-Items Perishable	380	Staffing Services, General
156	Food-Grocery Items	381	Testing Materials
160	Fuel	382	Testing Materials, Adult Learning
170	Furniture-Cafeteria	383	Tuition
171	Furniture Classroom	384	Stage/Field Services
172	Furniture Library	385	Theater Arts Supplies and Equipment
173	Furniture Office	386	Fine Arts Clinician
180	Grounds and Landscaping	387	Fine Arts Judges
190	Hardware and Hand Tools	388	Fine Arts Consultant/Instructor
200	Insurance, Health	389	Fine Arts Accompanist
201	Insurance Coverage	390	Travel Services
208	Instructional Materials, Social Studies	391	Travel Registration
210	Instructional Materials	392	Travel Airfare
211	Instructional Materials, Bilingual	393	Travel Hotel
212	Instructional Materials, Math	394	Travel Car Rental
213	Instructional Materials, Reading	395	Travel Expense Reimbursement
214	Instructional Material, Science	400	Utility Services
215	Instructional Materials, Technical Trade	410	Contracted Services



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411	Contracted Services, Bilingual	506	Tutoring Services, Bilingual
412	Contracted Services, Math	507	Intervention, Academic
413	Contracted Services, Reading	600	Online Services - Math
414	Contracted Services, Science	601	Online Services - Reading
415	Mileage	602	Online Services - Science
416	Contracted Services, Technical Trades	603	Online Services - Social Studies
417	Contracted Services, Fine Arts	604	Online Services - Writing
418	Contracted Services, Fine Arts - Band	605	Online Services - Technical Trade
419	Contracted Services, Fine Arts - Orchestra	606	Online Services - Administrative Services
420	Contracted Services, Fine Arts - Choir	607	Online Services - Academics
421	Contracted Services, Special Education	608	Online Services - Athletics
422	Contracted Services, Gifted and Talented	609	Online Services - Career & Tech
423	Contracted Services, Athletics	610	Online Services - Bilingual
424	Contracted Services, Academics	611	Online Services - Fine Arts Administration
425	Contracted Services, Marketing	612	Online Services - Fine Arts Band
426	Contracted Services, Administrative	613	Online Services - Fine Arts Orchestra
427	Contracted Services, Writing	614	Online Services - Fine Arts Choir
428	Contracted Services, Guidance and Counseling	615	Online Services - Gifted and Talented
429	Contracted Services, District Operations	616	Online Services - Guidance and Counseling
430	Contracted Services, State/Federal Programs	617	Online Services - Special Education
431	Contracted Services, UIL	618	Online Services - State and Federal Programs
432	Contracted Services - Technology	619	Online Services - Technology
433	Contracted Services - Child Nutrition	620	Online Services - UIL
434	Contracted Services - Health Clinic	621	Online Services-Health
500	Tutoring Services	622	Online Services-COVID
501	Tutoring Services, State/Federal Programs	623	Online Services-M & O
502	Tutoring Services, Math	624	Online Services-Tea Approved
503	Tutoring Services, Reading	625	Online Services-Continuing Education
504	Tutoring Services, Science	626	Online Services-Adult Education
505	Tutoring Services, Writing	999	Shipping and Handling



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## 2.9 Catalog award bids

Because of the wide variety of items, services, supplies, etc. that is utilized by a school district, many solicitations are requested and awarded on a “discount from catalog” basis. When utilizing these solicitations, the requestor needs to make sure they are using active vendor website/catalog, and indicating that the discount has been taken on the requisition.

## 2.10 Vendor Bid List

The Bid section of the Purchasing Department maintains a vendor listing of all vendors who have registered to receive solicitations via email, mail, and fax. *This is commonly referred to as a Bidders list.*

### **VENDORS REGISTER USING THE E-BID VENDOR REGISTRATION AT**

**<https://sisd.ionwave.net/Login.aspx>**

### **(Reference Section 11 Vendor Registration Flowchart)**

Any vendor who has previously responded to solicitation is on this list. If a vendor fails to respond to three straight solicitations, the department reserves the right to delete them from the vendor list.

Please note, that this is a list of vendors to receive bids, not a list of awarded vendors.

There is a list of vendors contained in Tyler MUNIS. *This is commonly referred to as the Vendor List.* This is neither an awarded vendor list nor a bidders list. Anyone who has received a check from SISD is included in this list.

The Award of Reference report is available on the district web site. It is a list of vendors that have awarded a contract for goods or services, through a district solicitation process. It is a very useful tool. Use the “find” feature to locate a vendor and the award information, such a solicitation number and solicitation name.



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Solicitations awarded by the Board of Trustees may be extended for additional terms and purchases provided that:

1. The Prices do not exceed the stated percent% of solicitation prices and the terms and conditions of the original solicitation remain firm.
2. The original solicitation has provisions for additional purchases.
3. All legal requirements are fulfilled.
4. The Purchasing Department prior to the end of the original term of the contract will document acceptance of the extension.

2.12 Open Records

All information collected, assembled or maintained by governmental bodies pursuant to law or ordinance, or in connection with the transaction of official business is public information and available to the public during normal business hours of any governmental body with certain exceptions.

Government Code section 552.104. Exception: Information Related to Competition or Bidding.

- (a) Information is excepted from the requirements of Section 552.021 if it is information that, if released, would give advantage to a competitor or bidder.
- (b) The requirement of Section 552.022 that a category of information listed under Section 552.022(a) is public information and not excepted from required disclosure under this chapter unless expressly confidential under law does not apply to information that is excepted from required disclosure under this section.

The concern is that information is not disclosed at inappropriate times leaving the District unprotected.

The District has specified procedures for open records requests. They are initiated in the Department of Human Resources, obtained, and released from their office.

2.13 Sales Taxes

- 1 Socorro Independent School District is exempt from the payment of state sales taxes by the fact it is a political subdivision of the State of Texas.
- 2 District employees may not use the District's tax-exempt status for purchases of personal property. Anyone avoiding the payment of sales tax by using this exemption may be liable for prosecution under Texas Penal Code, Chapter 39, Abuse of Office, Section 39.01. (This also applies to booster clubs, parent teacher organizations and other outside organizations. They must apply and receive their own tax-exempt status)
- 3 All Purchase Orders notify vendors of the District's tax- exempt status. Vendors can request a separate tax exempt form if necessary from the Purchasing Department.
- 4 The Districts Federal Tax I.D. number is 74-6029385.



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### 2.14 Suspension and Debarment

The district cannot enter into a contract with any company that has been debarred or suspended under the terms of Executive Order 12549, “Debarment and Suspension,” as described in the Federal Register Rules and Regulations, when using Federal Funds. This applies to all subcontractors as well. Vendors submitting bid and all solicitations awarded by SISD will have acknowledgement. When users request vendors that are not awarded an SISD bid, and are not using a Purchasing Cooperative, the Purchasing Agent will obtain a Suspension and Debarment form or insure the vendor is not listed on the Excluded Parties Listing located at [www.sam.gov](http://www.sam.gov). Any vendors that are suspended or debarred will be brought to the attention of Director of Purchasing and no purchase order, contract or bid award will be made. CFR 200.213 Suspension and Debarment.

## 3.0 Requisitioning process

### 3.1 How do I make a purchase?

Reference Section 10 for a flow chart to the requisitioning process. This flow chart illustrates the steps involved in making a purchase. It does not, nor cannot address all of the steps, which may be required. Users are encouraged to use the chart, in conjunction with this manual, as tools to help guide them through the purchasing process. If, at any time, during the course of the process, it is felt that additional information, or one-on-one help is needed, users are encouraged to call a member of the Purchasing Department staff.

### 3.2 Requisitioning basics

In order to requisition supplies, services, equipment, or furniture not available from the warehouse stock, the following guidelines are to be used.

1. In the MUNIS system, prepare a requisition utilizing awarded vendors, through a competitive solicitation, cooperative contract, approved district contract or quote.
2. Provide a complete description of goods or services including type of item and stock/model number if available.
3. Designate the Receiving address.
4. Include the appropriate budget code.
5. Include any special delivery instructions in the text field.
6. Indicate the appropriate bid number, contract number in the procurement method field.
7. If using a discount from catalog bid, indicate if the prices include the discount. (Retain Documentation).
8. The requestor is responsible for ensuring proper discount is taken.
9. Indicate if there are any shipping and handling charges associated with the order.
10. The correct fund, function and object code need to be used.

The Purchasing Department Prime Directives (After the Fact Orders)



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1. Approval for purchases must be made prior to purchase.
2. Request for payment without a purchase order approved by the Purchasing Department can and will become the responsibility of the person ordering the merchandise.
3. The Purchasing Department must approve purchases via a requisition and assign purchase order number before purchases are to be made.
4. Employees should not purchase materials with their own money with the intention of being reimbursed.  
There are no employee reimbursements or petty cash unless approved by the Chief Financial Officer.

### 3.3 Requisition types

#### Line Item Requisition –

A line item requisition is issued to a registered vendor to “furnish and deliver” specific items stated on the purchase order. A line item requisition will specify the exact price and quantity and usually for a one time delivery. A complete description including model or item numbers is necessary.

#### Open Purchase Order Request –

An open requisition is only allowable for vendors that are currently an awarded vendor through a district solicitation, cooperative agreement, contract or similar approved agreement.

It is issued to a registered vendor authorizing purchases from that vendor over a period of time, so that supplies, materials or services are available on an “as needed” basis by the end user. During this period, the District may; purchase certain specified items from the vendor not exceeding the total dollar limit. Information required: The time limit, a not to exceed dollar amount, the person(s) authorized to pick up (if local) products, a description of the type of goods/services, and the appropriate contract/bid number, including the bid item number and bid expiration date.

It may be required for certain vendors to have one purchase order per visit.

Note: In MUNIS, the unit price is \$1 and the Quantity is the total amount. Example, a \$500 open purchase order would be a Quantity of 500 and a unit of \$1. This will allow for online receiving.



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### 3.4 Approval Routing

There will be special or additional approval routing for the following types:

Gifted and Talented  
 Bilingual  
 Title 1  
 Technology  
 Fine Arts  
 State Compensatory Education  
 Special Education Funded  
 Title V  
 Accelerated Reading  
 Bond funded  
 Staff Development  
 High School Allotment  
 Others

#### Special Commodity Classifications

In Tyler Munis, please use the Special Commodity field and select from the following when appropriate:

SC3 - Maintenance Equipment, Supplies Online Vendor  
 SC4 - Computer Hardware  
 SC5 - Software  
 SC6 - Audio Visual Equipment & Supplies  
 SC8 - Warehouse Orders  
 SC9 - Radios  
 SC11- Capital Lease Transactions  
 SC12- Travel



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In an attempt to have fast track delivery of selected items the following are on-line or e-procurement vendors. The user would use the on-line web site and select items, when complete; they would checkout at the Vendors website, noting the reference number given (cart or order number). Then the user will enter a one line item requisition to the selected vendor referencing the total dollar amount given and using the reference number given. The Purchasing Department will convert the MUNIS requisition order once approved and release the order in the vendor's website ordering system. The e-procurement vendors are available through the requisition module to create a requisition and a vendor cart at the same time.

Dell Computers, e-procurement

El Paso Office Products, e-procurement

Grainger, e-procurement

Lakeshore Learning, e-procurement

Office Depot, e-procurement

Pencil Cup Office Supplies, e-procurement

School Specialty, e-procurement

Staples, e-procurement

The on-line companies can be accessed through the internet directly or their links are available from the Department website. The e-procurement vendors are available through the Tyler Munis requisition module to create a requisition and a vendor cart at the same time.

One of the goals of the Purchasing Department is to review and approve all requisitions within 3-4 days from the campus/department's administrative approval. In order to accomplish this goal, we request that the campus/department respond promptly to all requests for information or corrections required on a requisition (due to availability of product and pricing constraints), we need acknowledgment of the request. If there is no response to a request, The Purchasing Department may be forced to delete the requisition. Please know that we will always do our utmost to assist you.



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### 3.6 Change Orders

A purchase order confirms the existence of a contract between the District and the vendor. Consequently, it cannot be modified or cancelled unilaterally. Change orders should be processed to correct information on a purchase order. Each campus/department approved user has authority to make changes to active purchase order for their campus/department. (See PO Change Orders Manual). Purchasing processes vendor changes and po cancellations only.

### 3.7 Request to Add a Vendor

Please use the request to add vendor form (available in the department website). Please include all necessary information, including email, phone and fax for approval and input into the Tyler Munis System. A W-9 form is required prior to entry into the system. Vendors will be added to the system if awarded a bid, contract or quotation.

### 3.8 Sole Source Purchases

Definition – A purchase for a commodity or service to the only known capable supplier, occasioned by the unique nature of the requirement, the supplier, or market conditions.

**There must be no other like items available for purchase that would serve the same purpose or function.**

From Texas Education Code 44.031

Without complying with Subsection (a), a school district may purchase an item that is available from only one source, including:

- 1 an item for which competition is precluded because of the existence of a patent, copyright, secret process, or monopoly;
- 2 a film, manuscript, or book;
- 3 a utility service, including electricity, gas, or water, and
- 4 a captive replacement part or component, for equipment

Examples of sole source

A book, manuscript, or play available only from the publisher  
 OEM (Original Equipment Manufacturer) repair part  
 Branded Drugs  
 Electricity (in El Paso)



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3.9 Section intentionally left blank

3.10 Captive Purchases

A captive purchase is defined as a business or organization which provides services, supplies or materials that are only available through that organization. Examples: City permits, background checks, vehicle registration / permits.

3.11 Payment Authorizations

Payment authorizations are to be used only for the following instances:

Payment of Utilities

Reimbursement of mileage for approved recipients.

Payment for tuition reimbursement for specified grants.

3.12 Technology

If you plan to purchase a computer, or computer hardware please reference the available contract awards for these commodities. They are available on the District purchasing web page. At most times there are awards for the following:

Desktop computers

Laptops and tablets

Scanners and Peripherals

Projectors

Software

DIR (Department of Information Resources) is an available resource when the desired item cannot be procured through an SISD bid award.

If what you need is not available, please contact the Department of Technology Services to begin the quote process, and obtain the necessary warranty requirements.

3.13 Petty Cash

SISD does not allow for petty cash transactions.



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4.1 Quotation procedures

District utilizes commodity codes to track its purchases.

Purchases between \$1,000.00 no more than \$49,999.99

1. Originator forwards to Purchasing an Inquiry with details
2. Purchasing solicits a minimum of three (3) written quotes. (Online quotes are acceptable (product)). For services, prospective bidders must be sent the same detailed specifications and all documentation must kept on file.
3. Purchasing Agent reviews and approves the quotes and provides a quotation number to the Originator for input in the Procurement Method field. (ex. supplies, materials, installation, product, and services/consultants)

Purchasing Agent reserves the right to request additional quotes based on professional judgment.

Quotations will be awarded based on the most responsible and best value and most responsive quote meeting the needs of the district. If not awarding the lowest priced product/service, justification must be noted on purchase requisition and/or documented and kept on file.

All quotation transactions will be assigned a quote number and a log will be maintained by the Purchasing Department. CFR 200.320 Methods of procurement (b) Procurement by small purchase procedures.

4.2 Micro-Purchase

1 quote if less than \$999.99 Once the aggregate of \$10,000 annual threshold limit is met, 3 quotes will be required. Follow same process a above. CFR 200.320 Methods of procurement (a) Procurement by micro-purchases. Procurement by micro-purchase is the acquisition of supplies or services, the aggregate dollar amount of which does not exceed the micro-purchase threshold (§200.67 Micro-purchase). To the extent practicable, the non-Federal entity must distribute micro-purchases equitably among qualified suppliers. Micro-purchases may be awarded without soliciting competitive quotations if the non-Federal entity considers the price to be reasonable.



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5.1 Contracts – Common Law

1. A District Purchase Order is an offer. A contract is created between the District and the vendor only when the vendor accepts the terms and conditions of the Purchase order by causing the goods or services requested on the order to be delivered. In other words, the District's (Purchase Order) is a presentation to the vendor of what the District wants from the vendor and under what conditions (terms). Purchase orders provide a uniform way for the District to make offers to vendors with all terms in writing. This is why it is critical to the purchasing process that the school or departments receiving the goods or services immediately compare the delivery of it with the Purchase Order. If the vendor has altered the terms of the Purchase order to the point where the recipient is dissatisfied, then a possible breach of the contract has occurred. In such a situation the Purchasing Department should be contacted as soon as possible.
2. In the case of bids and request for proposals (solicitations), a different set of circumstances exists. Here, the offer is the vendor's bid or proposal. This is the vendors offer to the District of what the vendor will sell the District and under what terms. No contract shall be created, express or implied, until a final written contract is issued and signed by an individual authorized by Socorro ISD.

5.2 Contract Signatories

Contracts exceeding \$100,000 per year (CH (Local)) will be taken to the board of trustees for approval under the consent agenda.

District Policy allows for contracts to only be signed by the Superintendent, the Chief Financial Officer or the Director of Purchasing.

By procedure, District Purchase Agents are allowed to sign/approve purchase orders up to \$10,000.

Any purchase order in excess of \$10,000 must be signed/approved by the Director of Purchasing or the Chief Financial Officer.



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A request to process contract form needs to be completed and faxed to the purchasing department to begin the contracting process.

The key information required on the form is:

- Budget line item (account code)
- A complete description of services being provided  
desired results if possible
- Vendor/consultant information (including name, phone, email, etc.)
- Date of Birth / Address of the consultant (to be used for  
background checks as required) – consent and disclosure form  
required
- Term of agreement, dates
- Agreed Dollar amount (does it include expenses?)
- Name of requestor (for questions)
- Teacher Retirement System (TRS) with dates

The consultant can provide his/her contract for consideration. It may be used in conjunction with the standard district contract.

#### 5.4 Board Approval Contracts

This procedure is issued to provide guidance on processing contract and/or agreements which require Board Approval. (Memorandums of Understanding (MOU), Memorandums of Agreement (MOA), Affiliation agreement, Inter-agency and/or inter-local agreements with School District's or State Agencies, Educational Service Centers, City or County of El Paso, UTEP, EPCC etc.)

1. Complete **Board Approval Process Form** found on [www.sisd.net/purchasing](http://www.sisd.net/purchasing):
  - a. Click TAB Forms and Applications and select Board Approval Process Form (the form can be completed online, print out and submit for Cabinet Meeting)  
Required Fields:
    - i. Include the name of contract, Agency name, and contact information.
    - ii. List the name of the SISD employee (stakeholder) who will be responsible for the agreement.
    - iii. List funding source
    - iv. List agreement amount (by school, per year etc.)
    - v. List the start and end dates
    - vi. Describe contract work plan (rationale) required deliverables, milestones, performance standards, and due dates.
2. **Contract/Agreement and Board Approval Process Form** must be submitted to Cabinet for review and approval via the Assistant Superintendent or Chief Officer for each respective area. Due date to the Purchasing Department for Board Approval, 1<sup>st</sup> working day of the month. **Late submissions will be placed on the next scheduled Board Meeting.**



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Risk of Profit or Loss – Independent contractors realize a profit or sustain a loss based on their success in performing the work or service.

Continuing Relationship – The relationship between an independent contractor and employer ends when the job is done.

Compliance with instructions - Independent contractors cannot be told when, where, or how to do the job.

Training – Independent contractors do not go through any type of instructional training period with a more experienced employee to learn how to do the job. Independent contractors specialize in the field in which they have been employed and do not require training.

Control over the hiring, supervising, and paying of assistants – Independent contractors maintain control of their assistants. The employer contacts the independent contractor if there is a problem, and the employer pays the independent contractor for the work done. The independent contractor then pays the assistants directly.

Set hours of work – An independent contractor sets working hours.

A full-time work requirement – An independent contractor has the availability to work for more than one client, and for more than one firm.

Availability – An independent contractor makes services available to the public on a regular and consistent basis.

Works off premises. – An independent contractor works off premises unless the nature of the services requires attendance on district facilities

Required work sequence- an independent contractor does not need to be told the sequence of work needed.

Requirement of reports – The independent contractor is not required to submit oral or written reports.

Payment by the hour, week or month – An independent contractor is paid in a lump sum fee basis when the job is done. An invoice must be generated to substantiate the payment.

Payment of business or travel expense – An independent contractor is responsible for his/her own travel expense. If paid, the employer must include the expense amount on the independent contractors 1099.



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Furnishing of tools and materials – An independent contractor has the necessary tools and materials to do the job.

Employer’s discharge rights – an independent contractor cannot be terminated as long as he/she is fulfilling the contract.

Workers termination rights – An independent contractor may be held financially responsible for any loss the employer may suffer due to an incomplete inaccurate or unsatisfactorily completed contract.

#### 5.6 Lease Rental Contracts

Any lease contract in excess of \$100,000 must be submitted and approved by the board of trustees.

Any contract for rental must contain a cancellation provision and must be renewed by the issuance of a new Purchase Order for each fiscal year. Each contract must be approved by the Director of Purchasing

Any contract for lease must contain non appropriations clause and must be renewed by the issuance of a new Purchase Order for each fiscal year. The lease must be approved by the Director of Purchasing

Copy machine rentals are addressed separately.

#### 5.7 Service contracts

All services that are to be contracted for a specified period of time should be submitted to the Purchasing Department to generate if necessary a contract protecting the interests of the district. A contract number will be assigned, and given to the user/requestor to reference on the Purchase requisition. The Purchasing department will maintain a log of all contract numbers. The user/requestor should detail as much information regarding the contract and its services on the requisition regardless of a contract being generated.

#### 5.8 Contracts List

A list of current, effective contracts by number, title, and requesting school/department is maintained in the e-bid system by the Purchasing Department.

#### 5.9 Background Checks

In accordance with SB9 requirements, if a contract request will have the contractor having unsupervised direct contact with students, the Purchasing Department will conduct a name based search background check using JD Palatine.



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The District has cooperative agreements/ resolutions with the following agencies to be used when district bids and contracts do not meet the need. The web sites are listed and also have links on the Purchasing Department web page. 1 quote if less than \$49,999.99; 2 quotes if between \$50,000.00 -\$99,999.99; and Board approval if greater than \$99,999.99 (quotes as needed).

### 6.1 Texas Procurement and Support Services (TPASS)

The Texas Procurement and Supports Services (TPASS, sometimes referred to as “State contracts”), or as the General Services Commission (GSC). There are a multitude of uses, primarily for copy machine rentals, term contracts for supplies and equipment, vehicles etc. They are also responsible for the TXMAS (Texas Multiple Award Schedule) and the DIR contract.

[www.window.state.tx.us/procurement/](http://www.window.state.tx.us/procurement/)

### 6.2 OMNIA Partners (Formerly known as National IPA, TCPN and U.S. Communities)

This purchasing cooperative is utilized for a variety of goods and services.

<https://public.omniapartners.com/contracts>

### 6.3 Buyboard (TASB)

The BuyBoard is sponsored by the Texas Association of School Boards and is a cooperative agreement available to the school district. It has a variety of contracts from School buses to Athletic Equipment.

[www.buyboard.com](http://www.buyboard.com)

### 6.4 Houston-Galveston Area Council (HGAC)

The Houston-Galveston Area Council (H-GAC) is a cooperative the District belongs to that is more specialized for construction related equipment. It is a valuable resource for commercial equipment.

[www.h-gac.com](http://www.h-gac.com)

### 6.5 Region 19 ESC

The ESC for Region 19 has the Allied States Cooperative program available to the district for various bids. The district can use the copy center, school zone store, audio visual equipment repair and various other services.

[www.esc19.net](http://www.esc19.net)



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6.6 Department of Information Resources (DIR)

The Department of Information Resources is part of the TPASS and excellent source for computer software, computer related equipment supplies and services.

[www.dir.state.tx.us](http://www.dir.state.tx.us)

6.7 NJPA

The National Joint Purchasing Alliance is a national cooperative for a variety of goods and services (including a financing agreement contract for the acquisition of copiers).

<http://www.njpacoop.org/>

6.8 West Texas Food Service Cooperative

This cooperative is part of ESC Region 17 and provides food purchasing and USDA commodity processing.

<http://www.esc17.net/default.aspx?name=fs.wtfsc>

6.9 Choice Partners, Harris County Department of Education

This cooperative provides a variety of goods and services.

<http://www.choicepartners.org>

6.10 Goodbuy, Purchasing Program of the Education Service Center, Region 2

This cooperative provides a variety of goods and services.

<https://goodbuy.esc2.net/>

6.11 Central Texas Purchasing Alliance (CTPA)

This cooperative provides access to participating Districts' bids for a variety of goods and services.



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### 7.1 Program Incentives and Awards

Program incentive and awards are an important part of conducting district activities. However, schools should examine closely the type of incentives or awards given to students for program participation in order to ensure the award or incentive does not appear to be a gift.

*Gifts, or items that appear to be gifts are prohibited by the state constitution.*

*Souvenirs, memorabilia, t-shirts, tote bags or promotional items are specifically listed as unallowable in OMB A-87.*

*Reasonable awards and incentives for participation include such items as certificates, plaques, ribbons, small trophies, or inexpensive instructionally related items such as pens/pencils to be used in the classroom*

### 7.2 Catering

The District has fiduciary responsibilities that should govern the expenditure of funds with regards to catering of meetings and district functions. Please reference to Regulation CHD at the district website.



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## 8. Child Nutrition Services Purchasing Manual

In addition to procedures stated above, Socorro ISD will comply with the United States Department of Agriculture (USDA)/ Texas Department of Agriculture (TDA) regulations as stated on the Administrator's Reference Manual (ARM).

When there is a conflict between USDA regulations and other regulations, the District must follow USDA regulations for the use of Child Nutrition Program (CNP) funds. If other applicable federal, state, or local regulations do not conflict with USDA regulations, the District will follow the most restrictive other federal, state, or local regulations. All programs that receive federal funds are required to follow 2 CFR Part 200 unless federal legislation supersedes 2 CFR Part 200.

Child Nutrition Programs (CNPs) are required to follow USDA regulations for financial management, including procurement. (ARM, Section 17, pg. 19).

### Other Entities Acting on Behalf of the Contracting Entity

Any agency, organization, group, business, food service management company, food processor, contractor, distributor, vendor, or other entity acting on behalf of a District for any of the SNP programs are also required to follow the federal procurement guidance described in this section for any procurement actions they take on behalf of the District. All third-party entities must provide adequate documentation to a District so that the District can determine if the procurement regulations have been implemented appropriately, including, but not limited to, documentation related to credits, rebates, discounts, and USDA Foods values. (ARM, Section 17, pg. 20).

### 8.1 Cost Analysis

The District will perform a cost analysis before issuing a solicitation, when there are contract modifications (pricing) and for small purchases. Method will be documented on the "Solicitation Analysis Form" or "Small Purchase Analysis Form." In conducting a cost analysis, the District may use the tools that are also used in forecasting as well as any other available tools or strategies that may help the District to identify the estimated cost of the products and/or services to be purchased. The method and depth of the cost analysis is dependent on the complexity of the products and/or services to be purchased. Forecasting includes consideration of the following factors: Student enrollment, Student average participation, Future campus realignment, including new schools, available and future product storage, velocity reports (amount ordered/used or served in the past). Analysis documentation will be saved in Purchasing Department's shared drive and included in appropriate bid folder. (ARM, Section 17, pg. 27).

### 8.2 Procurement Methods

There are two types of procurement methods, formal and informal. Informal methods include a micro-purchase and a small purchase. Formal methods include Invitation for Bid (IFB) and Request for Proposal (RFP). The decision to use formal or informal is based on the total estimated cost of the purchase and whether the cost of the total purchase does or does not exceed the simplified acquisition threshold (small purchase threshold). (ARM, Section 17, pg. 28).



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### 8.3 Micro-Purchase

A micro-purchase is a single purchase or transaction that has a total aggregate cost that is equal to or less than \$10,000. For Districts operating a Child Nutrition Programs, a District may apply the TEA/EDGAR aggregate definition to the purchase of items with USDA funds; however, purchases must still be equitably distributed. (ARM, Section 17, pg. 32-37).

Purchasing Department will:

- Maintain a quote log to track micro-purchases.
- Confirm Buy American provisions for food purchases by requesting the vendor(s) complete/sign District's Edgar form.
- Though quotes/pricing comparison and formal cost analysis are not required, to confirm pricing is reasonable, CNS staff or bid agent will attach to requisition and bid agent will save on department shared drive, documentation that includes method used, to include, but is not limited to,
  - price quote(s)/comparisons
  - newspaper advertisements from various suppliers/vendors,
  - online advertisements from various suppliers/vendors,
  - written notes from discussions with vendors (vendor name, name of person providing info., date(s), information provided, pricing)
  - Comparison of a minimum of two sources
- Purchasing Department will notify CNS staff to procure accordingly among available vendors, as applicable. Child Nutrition staff is responsible to distribute these purchases among qualified suppliers.

### 8.4 Small Purchase

A small purchase is appropriate when the products and/or services have an aggregate total for a single purchase or total purchase that is equal to or less than the simplified acquisition threshold (TEA being the most restrictive threshold at less than \$50,000). Small purchase is \$10,000.01 to \$49,999.99. District may choose to use a Formal Procurement Method if in its best interest.

Purchasing Department will:

- Maintain a quote log to track small purchases.
- Confirm Buy American provisions for food purchases by requesting the vendor(s) complete/sign District's Edgar form.
- Cost analysis: at a minimum, conduct a price comparison. District will document method used on "Small Purchase Analysis Form" and will save on department's shared drive and/or attach to purchase requisition, as applicable.
- Will obtain price quotes from at least three responsible and responsive vendors. (A "no response" is not acceptable).
  - Quotes will be obtained in writing and documented on quote form.
- Each/all possible vendors will be provided the same solicitation information. Documentation will be kept on file demonstrating the price quotes (or pricing information from any other method the District uses to compare prices), and the information on specifications, terms,



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and/or conditions provided to each/all possible offerors. District will keep record of contact information for all potential vendors that the District contacted or attempted to contact, the method for determining the award, and the recipient of an award. This information will be kept in Department shared drive, on District e-Bid site (when utilized to request quotes) and/or the quotes/offers will be attached to order requisition, as applicable.

- District will choose the most responsible and responsive offer with price as the primary consideration (not based on cost-plus percentage of cost)
- Routine purchasing for the same items will not be broken down into smaller amounts in order to qualify for a small purchase method, else, District will maintain documentation demonstrating why the small purchase method was the most suitable method.
- If the small purchase solicitation results in a contract, the District must meet all requirements related to the development and use of a contract described in the *Solicitation* and *Contracts* subsections in this section. (ARM, Section 17, pg. 37-40, 59)

## 8.5 Formal Procurement Methods

When the total estimated cost of products and/or services exceeds the simplified acquisition threshold (\$50,000), the District will use a formal procurement method. Bid Agents process/issue solicitations. All documentation tied to formal procurements will be saved in District e-bid system, department shared drive and/or applicable bid folder. (ARM, Section 17, pg. 40)

## 8.6 Invitation for Sealed Bids (IFB)

An IFB is a competitive procurement method for a fixed-price contract where sealed bids are submitted. An IFB is an ideal procurement method to use when the offers only differ in the price for a lump sum or unit pricing. It is commonly used for a fixed-price contract and is most effective when there are clear specifications and/or technical requirements. An IFB contract is awarded in writing to the most responsible and responsive offeror whose price is most advantageous to the program. (ARM, Section 17, pg. 41-43)

The following guidance must be used when using the IFB method.

- **Aggregate.** The aggregate total amount for an IFB is the total amount of the cost for a single contract (or a single renewed contract). The total cost for IFB contracts is typically broken into multiple delivery invoices that are paid as each product and/or service is delivered or when specified expectations are met.
- **Award.** The award for an IFB will be made in writing to the lowest responsible and responsive offeror.
- **Buy American.** The Buy American provisions apply to IFB methods.
- **Competitive Purchasing.** Offers must be solicited from an adequate number of known suppliers. For there to be competitive bidding, there must be two or more responsible offerors that respond to the solicitation for a firm fixed-price contract.
- **Contract.** An IFB will result in a firm fixed-price contract award.
- **Cost Analysis.** When using the IFB method, a formal cost analysis or price comparison is required. Method utilized will be stated on District's "Solicitation Analysis Form" and kept in bid file.
- **Credits, Rebates, and Discounts.** In a firm fixed-price contract, the winning contractor is not required to return credits, rebates, and discounts to the School Nutrition Program (SNP) as the contractor factors them into the fixed price for the contract period.



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- **USDA Food Values.** In a firm fixed-price contract, the winning contractor must ensure that the value of USDA Foods is returned to the School Nutrition Program.
- **Evaluation of the Offers.** When the sealed bids are opened, the District must use the rubric or scoring tool that was provided in the solicitation to determine whether an offeror is both responsible and responsive.
- **Opening Sealed Bids.** State and federal regulations mandate that the offers be opened publicly, so possible contractors and other interested parties are able to attend. The District must provide a description of where and when the sealed bids will be opened. USDA recommends that at least two District employees be present when sealed bids are opened. These employees should be directly involved with the procurement procedure (i.e., representatives from the School Nutrition Programs and/or from the purchasing department). School board members are not required to be present unless mandated by local policy
  - Each offer submitted for an IFB solicitation must be time-stamped and dated upon receipt. District must not open sealed offers (IFB) before the announced date or at a location other than the location publicized.
  - Unsealed offers or offers received after the designated time and date cannot be accepted.
  - The District is not required to announce the winning offer at the opening, but the name of each offeror and the offer price must be read aloud and recorded as each offer is opened. Other information may also be read aloud for each offer: products included in offer, payment terms, delivery date, and such.
  - In cases where the scope of work and specifications and/or technical requirements require additional evaluation to determine if the offer is responsive and/or responsible, the District is not required to announce the winning offer at the time of the opening, but must state the offer price and if the offer appears to be responsible and responsive.
  - In cases where the District cannot announce the winning offer formally until the school board or other authority has approved the contract award, the winning offeror should be notified of the District's intent to award the contract but must be informed of the need for approval by the board or other authority and the timeframe for approval.
  - If the specifications and/or technical requirements for the solicitation are complicated and the District is not able to determine which bid quickly and clearly is most responsible and responsive, the District may choose to announce which offers meet the criteria to be considered for an award at the bid opening and announce the actual award at a later date. This possibility in its solicitation. This includes the time and place when the contract award will be announced.
  - Once the timeframe established by the District for bid protests has passed (and settled, if applicable) and final approval is obtained, the District should provide written notice to the successful offeror and include a statement that the District has submitted the solicitation/contract to TDA for approval.
  - Unsuccessful offerors should be notified promptly. (ARM, Section 17, pgs. 82-83)
- **Price.** The District must choose the most responsible and responsive offer with price as the primary consideration. The price must not be based on cost-plus a percentage of the cost. Any costs charged from this type of pricing structure are not allowable costs to a Child Nutrition Program (CNP). Market basket analysis may be used to award an IFB contract.
- **Public Advertising.** District will advertise for approximately 30 days in the El Paso Times and/or El Paso Inc. and will include the information as listed below under "Public Advertising."
- **Rejecting an Offer.** Any or all offers may be rejected if there is a sound documented reason.



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- **Securing Sealed Bids.** As each sealed bid arrives, the bid should be date stamped and stored in a secured place until the time of bid opening.
- **Solicitation.** The District must provide the following information in the solicitation related to management:
  - Specifications and/or technical requirements for the product(s) and/or service(s) to be purchased
  - Bonding requirements if applicable
  - Method for submitting an offer.
  - Method and criteria for evaluating the bid.
  - Procedure for assigned staff to respond to and resolve all bid protests.
  - Contractual statements required by law.
  - Method for submitting a protest for the bid award.

If the District answers a question from an offeror, there must be a method for the District to share this information with all potential offerors. District will address questions/responses through District e-Bid system.

## 8.7 Request for Competitive Proposals (RFP)

An RFP is a competitive procurement method that includes specifications and/or technical requirements of the product(s) and/or service(s) to be provided under a fixed price (fee) in a cost-reimbursable or firm fixed-price contract where offerors submit a detailed offer for providing the products and/or services. An RFP is an ideal procurement method to use when a sealed bid method is not appropriate. An RFP contract is awarded to the most responsible and responsive offeror whose offer is most advantageous to the program—price and other factors are considered. The following guidance must be used when using the RFP method. (ARM, Section 17, pg. 43-45)

- **Aggregate.** The aggregate total for an RFP is the total amount of the cost for a single contract (or a single renewed contract). The total cost for an RFP contract may be broken into multiple delivery invoices that are paid as each product and/or service is delivered or when specified expectations are met.
- **Award.** An RFP should be made in writing to the most responsible and responsive offer.
- **Buy American.** The Buy American provisions apply to RFP methods.
- **Competitive Purchasing.** Offers must be solicited from an adequate number of known suppliers. For there to be competitive bidding, there must be two or more responsible offerors that respond to the solicitation for a contract resulting from an RFP.
- **Contract.** An RFP may be used for a firm fixed-price contract or a cost-reimbursable contract.
- **Cost Analysis.** When using the RFP method, a formal cost analysis or price comparison is required. Method utilized will be stated on District’s “Solicitation Analysis Form” and kept in bid file.
- **Credits, Rebates, and Discounts.** In a cost reimbursable contract, the winning contractor must return credits, rebate, and discounts to the SNP.
- **USDA Food Values.** In a firm fixed-price contract, the winning contractor must ensure that the value of USDA Foods is returned to the SNP.
- **Evaluation of the Offers.** The District must use the rubric or scoring tool that was provided in the solicitation to determine whether an offer is both responsible and responsive.
- **Price.** The CE must choose the most responsible and responsive offer with price as the primary consideration. The price must not be based on cost-plus a percentage of the cost.



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- Market basket analysis may be used to award an RFP contract.
- Public Advertising. District will advertise for approximately 30 days in the El Paso Times and/or El Paso Inc. and will include the information as listed below under “Public Advertising.”
- Rejecting an Offer. Any or all offers may be rejected if there are sound and causes and/or reasons that have been documented for the rejection. When a District considers if it has documented cause and/or reason for rejecting an offer, the District
  1. must avoid arbitrary decisions, i.e., a decision based on personal will or discretion **and**
  2. must determine if the District has adequate documentation to support the cause and/reason for rejecting an offer.
- Solicitation. The District must provide the following information in the solicitation related to contract management:
  - Specifications and/or technical requirements for the product(s) and/or service(s) to be purchased
  - Bonding requirements if applicable
  - Method for submitting an offer.
  - Method and criteria for evaluating the bid.
  - Procedure for assigned staff to respond to and resolve all bid protests.
  - Contractual statements required by law.
  - Method for submitting a protest for the bid award.

If the District answers individual offeror questions about the solicitation, the District must have a method to share all questions and answers with all potential offerors. District will address questions/responses through District e-Bid system.

- Opening of Requests for Proposal (RFP) Received
  - District may open submitted responses from RFP offers to determine if all requested documentation is included with the offer or for clerical errors. If District chooses to do this, they should set a specific date for opening offers and set a specific date and method for sending notification for missing documentation or clerical errors. This includes allowing time for the offeror to submit an updated offer.
  - All offerors must be given the same period of time to submit updated offers. Therefore, if the District chooses to open the offers, it must return all offers lacking complete documentation or with clerical errors at the same time with the same amount of time for resubmission. (ARM, Section 17, pg. 83)

## 8.8 Noncompetitive Procurement Method

District will follow guidance on Noncompetitive Procurement Methods as stated on Administrator’s Reference Manual. (ARM, Section 17, pg. 45-51)

A noncompetitive purchase method occurs when only one offer is received. Procurement by a noncompetitive method is an appropriate method of procurement when one or more of the following types of circumstances apply: inadequate competition, public emergency or an unexpected emergency situation, sole source, or TDA authorization in special situations.

When a District uses any noncompetitive method of procurement, the District must retain all related documentation onsite to demonstrate compliance.



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### 8.9 Noncompetitive Procurement—Inadequate Competition

Inadequate competition occurs when the District actively and appropriately attempts to solicit offers from a number of sources, but competition is deemed inadequate: The number of offers that met the solicitation specifications and technical requirements (i.e., responsible and responsive offers) is less than expected.

TDA approval not required in this situation as long as the District has taken appropriate action to ensure that competition was not restricted or limited, as described in the Administrator’s Reference Manual (page 46). If the CE determines that an inadequate number of offers is the result of overly restrictive specifications or technical requirements or too narrow of an advertising region, the District must (1) provide notification of its intention to rebid the contract, (2) review its solicitation, modify the solicitation as necessary, and (3) reissue the solicitation.

As needed, District will retain documentation to demonstrate that the District (1) took appropriate actions to foster adequate competition and (2) reviewed its solicitation procedure to ensure that District did not limit competition. Documentation to include, but not limited to, copies of advertising releases, e-bid participation lists, communication documents, etc. (ARM, Section 17, pg. 47)

### 8.10 Noncompetitive Procurement—Public Emergency or Unexpected Emergency Situation

A public emergency (exigency) or unexpected emergency situation will not permit a delay in procurement caused by the additional time required for a full competitive solicitation for products and/or services—circumstances require immediate purchases.

TDA approval is required. District will contact TDA immediately. Request will be submitted in writing (paper, fax, or email). In an extreme case, District will call TDA directly to alert TDA about the situation and then, submit the request in writing. In extreme circumstances, District may also enlist the assistance of Region 19 to help with this requirement. Visit <https://squaremeals.org/Programs/NationalSchoolLunchProgram.aspx> for online approval request.

The written request will include:

- Description of the emergency
- Products and/or services to be procured/estimated cost
- Supplier, distributor, or manufacturer from whom the product and/or services will be procured
- Period of time the District plans to use the noncompetitive method for the emergency

TDA will provide written notification of approval or disapproval. District will retain documentation about the emergency and all related procurement activities. (ARM, Section 17, pg. 47-48)

### 8.11 Noncompetitive Procurement—Sole Source

For a sole source purchase, the product and/or service is available only from a single (sole) source distributor, supplier, or manufacturer. When there is only one offer, the procurement is *not necessarily* a sole source procurement. Before offering a sole source noncompetitive



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contract, a District must verify that the product and/or service can only be procured from a single source.

Requires TDA approval. To request approval to use a sole source contract, the District must submit a request to TDA in writing (paper, fax, or email) which includes the following:

- Description of the product and/or services to be purchased and the cost
- Description of the method used to determine if the cost is reasonable
- Copies of the District’s solicitation, advertising, and other relevant documentation that indicate why the sole source method is appropriate
- Description of the District’s actions to ensure that the supplier, distributor, or manufacturer is the sole source, i.e., including documentation of the District’s effort to contact other suppliers, distributors, or manufacturers to confirm that the product or service is not available from another source
- Description of the District’s review of the solicitation, advertising, and other actions to ensure that the original solicitation was competitively solicited
- Period of time (i.e., week, number of months, year) the District plans to use the sole source method

TDA will provide written notification of approval or disapproval. If a District enters into a sole source contract without TDA approval, the contract has been improperly procured. (ARM, Section 17, pg. 48-49)

### **8.12 Identification of Sole Source Products and/or Services**

The sole source method of procurement is used when there is only one supplier, distributor, or manufacturer for the product(s) and/or services(s) that are being procured. Before offering a sole source noncompetitive contract, a District must verify that the product and/or service can only be procured from a single source—procurement where there is only one offer is not necessarily sole source. There may be other suppliers, distributors, or manufacturers that could have submitted an offer but chose not to submit an offer. The District must follow the guidance for that type of noncompetitive procurement. For a sole source method to be used, there must be only one possible source for the product and/or service. (ARM, Section 17, pg. 49)

### **8.13 How Does the District Determine the Product and/or Service Is a Sole Source Procurement?**

- A District cannot accept a statement from the supplier, distributor, or manufacturer as verification that the product and/or service is only available from a single source.
- The District must attempt to solicit offers from other suppliers, distributors, or manufacturers.
- If the product and/or service is available from other sources, but one source offers a feature(s) that other sources do not offer, the special feature cannot become the only factor that defines a product and/or service as the sole source unless the District can document why this feature is required, not just preferred. (ARM, Section 17, pg. 50)

### **8.14 Brand Name Sole Source Purchase**

When there is a compelling need, such as compatibility with current equipment, to purchase a specific brand product and/or service, the District must have documentation that demonstrates that other available brands are not compatible with the District’s

1. current equipment,



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2. replacement part inventory, and
3. maintenance staff's expertise.

However, even if the District meets the brand name sole source purchase criteria listed above, it must still determine if there is more than one supplier for the brand of equipment or the services. If there are multiple suppliers, the District must follow normal procurement procedures in awarding a contract.

Districts must retain records that demonstrate the following: (1) product and/or service availability from only one source; (2) efforts to determine if other suppliers, distributors, or manufacturers provide the product or service; and (3) all procurement-related activities. (ARM, Section 17, pg. 50)

### **8.15 Noncompetitive Procurement—TDA Authorization**

TDA pre-approves these procurements, and no additional approval is needed. TDA will notify the District when it pre-authorizes a noncompetitive procurement and will provide the following information about this authorization:

- Description of the product and/or services to be purchased
- Requirements, as applicable, related to solicitation, advertising, or other
- Description of the method used to determine the cost is reasonable
- Period of time (i.e., week, number of months, year) covered by the TDA authorization for a noncompetitive procurement method.

Districts must retain records related to procurement activities for this authorization. (ARM, Section 17, pg. 51)

### **8.16 Buy American**

The Buy American provision applies to all food purchases made with SNP funds. It does not apply to spices. This provision requires Districts and third parties, acting on behalf of Districts, to purchase domestically grown and processed food to the maximum extent practicable. District will include the provision on its Vendor Certification Form "Edgar Form" and added to solicitation documents requiring all vendors to sign a certification that the contractor will adhere to the Buy American provision and that they will provide food products that meet the Buy American provision. Will designate an offeror as non-responsive if the appropriate phrasing is not included in the offer. (ARM, Section 17, pg. 51; Section 17b, pg. 4-23)

#### **Buy American Exception**

The purchase of a non-domestic food product should be an occasional, not frequent occurrence. The District may consider this inability to provide domestic food products in determining if the entity is able to fulfill the specifications, technical requirements, and term and conditions of the contract. It is the District's responsibility to determine that the use of a non-domestic food product is appropriate. District will utilize guidance for exception requirements on Administrator's Reference Manual Section 17b, pg. 19.

### **8.17 District will follow guidance on Administrator's Reference Manual for the following:**

- Locally Grown Products
- Local Preference



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- Defining Local
- Local Procurement Preference or Bonus Points
- Local Preference in the Solicitation and Contract Award
- Other Local Preference Regulations

(ARM, Section 17, pg. 51-55)

## Local Preference

### Other Local Preference Regulations

For local preference, there are differences in the federal and state regulations as they apply to entities that are required to comply with the Texas law. (ARM, Section 17, pg. 55)

USDA regulations state (1) that SNPs have the authority to apply local preference in a variety of ways as long as the end result is the most cost-effective use of federal funds or not use local preference in procurement and (2) that a contract cannot automatically be awarded to a local supplier over a non-local supplier if both meet the terms and conditions described in the solicitation.

When the District is making purchases for the school nutrition program, the District's procurement actions *must* be in compliance with USDA regulations.

Districts may give preference or bonus points to local producers when soliciting and awarding contracts for the purchase of unprocessed locally grown or raised agricultural products as long as the preference or bonus points do not restrict full and open competition. A District must not award a contract based solely on local preference. If a District gives preference or bonus points for local producers, the District must describe the way the local preference or bonus points will be used in its written procedures and provide this information in the solicitation and contract, as applicable. District currently utilizes cooperatives for most of its food purchases, except Dairy. In the instance District issues own solicitations for these purchases, District will follow guidance as stated on the Administrator's Reference Manual and not use local preference. (ARM, Section 17, pg. 52)

### 8.18 Other Regulatory Requirements for Solicitations and Contracts

When federal funds are used, Districts must include specific regulatory and legislative provisions in all solicitations/contracts. See *Administrator's Reference Manual (ARM)* pgs. 56-59 for applicability and general descriptions of each. Such provisions have been added to District Standard Terms and Conditions, item 38.

### 8.19 SOLICITATION

A solicitation is prepared by the District to describe the products and/or services the District wants to acquire. The solicitation will clearly define the items or services needed in order for the offerors to respond properly to the solicitation. Purchasing Department will follow process as stated on Purchasing Manual and Formal Solicitation Procedures (separate document) for developing the solicitation documents. Documentation will be kept on file on District's e-bid system, bid file, and/or department shared drive. (ARM, Section 17, pg. 59)

### 8.20 Solicitation, IFB or RFP

When products and/or services are procured through either formal procurement method (IFB or RFP), the solicitation takes the form of documentation that describes the specifications and/or



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technical requirements for the products and/or services, the method and criteria for evaluation of responses, a method and schedule for submitting an offer, and the form of contract with standard terms. To maintain accurate records, the District's written procurement procedures will describe how the District will develop and retain the solicitation document prepared for IFBs and RFPs. Solicitation/Contract Content as listed on the Administrator's Reference Manual section 17 will be included on District's Solicitations Documents. These will be addressed in a solicitation document for an IFB or RFP and, if applicable, to a small purchase when procuring products and/or services. (ARM, Section 17, pg. 59-64)#

#### **District will refer to guidance in Administrator's Reference Manual on**

- One Solicitation, Award Multiple Contracts (pg. 64)
- Firm Fixed-Price Contracts (pg. 65)
- Prequalified List of all Contracts (pg. 66)
- Shared Purchasing for all Contracts (pg. 67)
- Use of Brand Names for all Contracts (pg. 66)
- Methods for Issuing Solicitations for an Individual Item or List(s) of Items (pg. 66)
- Market Basket Method (pg. 67)
- Approved brands (pg. 70)
- Bread specifications (pg. 70)
- Contracting with Persons/Companies for Assistance in Developing a Solicitation (pg. 70)
- District survey of possible bidders for product and/or service availability (pg. 71)
- Contract documentation for food products (pg. 71)
- Flexibility on growth (pg. 71)
- Generic terminology (pg. 71)
- Grade specifications and/or technical requirements (pg. 72)
- Minimum drained weight – Canned fruits/vegetables (pg. 72)
- Procuring Fresh Fruit and Vegetables (pg. 74)

#### **8.21 Potential Offerors or Interested Parties Involved in Developing a Solicitation**

A potential contractor or another interested party cannot participate in the procurement of items or services by assisting with or drafting the procurement specifications and/or technical requirements, procedures, or documents. (pg. 72)

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#### **8.22 Pre-Bid Meetings for IFB/RFP Contracts**

Districts should consider the following issues in planning and conducting the pre-bid meeting:

- Meeting, if applicable, will be held approximately 2 weeks after the release of the solicitation.
- Will not accept offers until after the pre-bid meeting is held.
- Meeting information will be included in the solicitation document (not required to put it in the advertisement).
- Attendance by prospective offerors is strongly recommended but generally should not be required for submittal of an offer. However, a District may add attending the pre-bid meeting as one of the evaluation criteria.
- If more than one offeror responds to the public advertisement with an intention of submitting an offer, the District must conduct a pre-bid conference for all interested offerors at least two weeks after the date of the last public advertisement. If only one offeror responds to the public advertisement to request the solicitation/solicitation packet and express an intention to submit an offer, the District may conduct a walk-through of the facility instead of a pre-bid conference.



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- The District should tell all in attendance that the information shared in the meeting is not official until the information has been provided in writing to all potential offerors. All information shared in the meeting should be sent to all prospective offerors simultaneously to ensure that all possible offerors have the same information. Information will be provided through District e-bid system.
- If the questions asked at the meeting cause the solicitation/contract to be updated. The District must send the updated solicitation/contract to TDA to be approved.
- District will document and retain all documentation about the pre-bid meeting. To include, but is not limited to, sign-in sheet, summary of all information shared, questions asked, and answers provided.
- If there is an addendum to the solicitation, the addendum must be provided to all potential offerors. If more than one addendum is required, each addendum is numbered, and a copy of each addendum will be signed and returned with the offer. District will issue addendums utilizing its e-bid system. (ARM, Section 17, pgs. 72-75)

### 8.23 Purchase Catalog

A purchase catalog is allowable if the solicitation for the purchase catalog includes specifications and technical requirements that indicate what will be purchased and quantity to be purchased. District will obtain guidance from ESC Region 19 before issuing this type of solicitation. (ARM, Section 17, pg. 75)

### 8.24 Single, Multiple, or Split Contract Awards

The District may award a single, multiple, or split contracts. However, if the District plans to award multiple or split contracts, it must describe how this will be done in the solicitation so that offerors are able to give their best prices based on this possibility. (ARM, Section 17, pg. 75)

#### District will refer to guidance in Administrator's Reference Manual on

- Bonding Requirements (pg. 76-77)
- Agent Purchasing Contracts (pgs. 79-80)
- Consultant Contracts (pg. 80)
- Franchise Agreements (pg. 80)
- Procurement of USDA Foods Processing (District currently uses West Texas Food Service Cooperative) (pg. 81)

### 8.25 Public Advertising

District will advertise for approximately 30 days in the El Paso Times and/or El Paso Inc. to promote full and open competition and allow for highest possible circulation.

An advertisement will contain the following information at a minimum:

- Included on advertisement
  - Name of District
  - Address and telephone number for location where any potential offeror may obtain the solicitation
  - Deadline and method for submission
  - District e-Bid site link
- Included in solicitation documents through District e-Bid site.
  - Bonding requirements, if applicable
  - Date, time, and location of the opening of offers and awarding of contracts.
  - General category, specification, or technical requirement for the item to be bid.
  - Indication of how the contract will be awarded.
  - Method and criteria for the evaluation of offers.



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- Method of payment  
(ARM, Section 17, pg. 77-78)

## 8.26 Cooperative Purchasing

District will use cooperative purchasing to take advantage of economies of scale. District utilizes cooperatives as listed on Section 6 of the Purchasing Manual. Will only utilize those cooperatives for which District has confirmation of USDA/TDA compliance. (ARM, Section 17, pg. 78, Section 17c, pgs. 5-27))

All documentation related to the contract will be obtained and retained, as applicable, information to include but not limited to:

- Solicitation issued
- Verification of Published Advertisements
- Terms and Conditions
- Evaluation Criteria
- Responses
- Award Notification(s)
- Final contract(s)
- Documentation of any extensions or Amendments

Procurement through the cooperative(s): (ARM, Section 17c, pg. 23)

- Micro purchases will follow the purchase requirements as stated in the Micro Purchase section above.
- Small Purchase and Formal Procurement
  - If the cooperative follows USDA procurement regulations for small and formal method purchases, District may make purchases through the cooperative without additional procurement actions. District will retain documentation that the cooperative follows USDA procurement regulations (documentation may include, but not limited to, documentation as stated above).
  - If the cooperative does not follow USDA procurement regulations, District may consider the pricing from the cooperative as one source of pricing for small and formal method purchases. In these cases, the District must obtain additional competitive offers using a solicitation process as defined by the USDA procurement regulations described in this section. After obtaining additional offers, the District will evaluate the price from the cooperative and the additional offers. Then, the District will purchase (or award the contract to) the most responsive and responsible offeror with price as the primary consideration. It is the District's responsibility to retain documentation that demonstrates the District's compliance with the required procurement process.
- District will only utilize cooperatives with SNP funds for which it has confirmation it follows USDA procurement regulations. District requires at least two quotes for cooperative purchases.

### Cooperative Purchasing – Contract Changes/Price Increases

Cooperative is responsible to ensure documentation is in place for any contract changes/price increases. For contract changes/price increases from West Texas Food Service Cooperative, cooperative will relay changes to Child Nutrition Services (CNS) Director. CNS Director will review and communicate with the cooperative how to proceed.

## 8.27 Awarding the Contract

The District must award the contract to the offeror that is most responsible and responsive to the solicitation based on the most cost-effective use of federal funds and must retain documentation demonstrating why the offeror was awarded the contract. In the evaluation process, the District must not consider nonresponsive or overly responsive features—the District must only consider



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the responsive elements in the bid in its evaluation. A contract that is awarded based on incentives, investments, and/or value-added or overly responsive offers has not been properly procured. A District, or any entity acting on a District's behalf, must not make a purchase or award a contract with a cost-plus percentage of cost pricing structure. (ARM, Section 17, pg. 82)

### **After Offers Are Received**

When all offers have been received, the District must determine if the specifications, technical requirements, terms, and conditions, as described in the solicitation, have limited the number of offerors who were able to submit an offer: Was there an adequate number of offerors that responded to the solicitation? Was full and open competition restricted?

- If there is not an adequate number of offers submitted, the District must determine how to address the identified limitations in its solicitation and/or in its method for public advertising and reissue the solicitation.
- If there are an adequate number of offers submitted, the District should move to the next step in its procurement procedures.

### **Opening Invitations to Bids (IFBs) and Request for Proposals (RFPs)**

Procedures are mentioned above in section for IFB and RFP.

### **Evaluation of the Bid and Award of Contract (ARM, Section 17, pg. 84)**

District will evaluate and rank based on criteria published on the solicitation.

### **Responsible Contractors**

The District must only award contracts to responsible contractors who possess the ability to perform successfully under the terms and conditions of a proposed procurement and contract. When determining if a contractor is responsible, the District will consider the bidding contractor's integrity, compliance with public policy, a record of past performance, and financial and technical resources.

### **Responsive Contractors**

When a District is evaluating the documentation submitted by an offeror, the District must only consider elements that are specifically responsive to the technical requirements presented in the solicitation for offers.

Contractor provided incentives (bonuses, stamps, equipment, or other benefits) that will be received by the District, the school nutrition program, or enrolled students that may influence the contract award must be treated the same as a gratuity, favor, or anything of monetary value given to a school nutrition program employee, officer, or agent of the District—these types of incentives may create a conflict of interest. These kinds of incentives are nonresponsive or overly responsive elements and must not be considered in awarding the contract. See Administrator's Reference Manual (ARM), Section 17a, *Procurement Procedures* and *Section 15, Program Integrity* for more information on ethical standards.

### **Cost as Primary Consideration for Awarding the Contract**

No matter the type of contract, the cost must be the primary consideration in awarding a contract. A District, or any entity acting on a District's behalf, must not make a purchase or award a contract with a cost-plus percentage of cost pricing structure.



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### **District will refer to guidance in Administrator’s Reference Manual on**

- Contract negotiation prior to contract award
- Awarding a contract with Contingency approval
- Awarding a cost-reimbursable contract
- Awarding a firm-fixed price contract
- Awarding a noncompetitive contract (including sole source)
- Special situations, awarding the contract
- Elements of a contract  
(ARM, Section 17, pgs. 85-89)

### **8.28 Special Situations, Awarding a Contract to an Offeror Other Than Lowest Cost Offeror**

If the District chooses to award the contract to a contractor that is not the lowest cost offeror, the District must have adequate justification and documentation. In these cases, the District must retain all documentation related to that justification. [NOTE: Documentation about previous problems with an offeror includes, but is not limited to, notes or examples of prior practices by the offeror, letters sent to or received from the offeror, and phone call notes.]

Common reasons for not awarding the contract to the lowest offeror may include the following:

- The offer is not responsive to the specifications and/or technical requirements.
- The offeror is not responsible, i.e., contractor’s integrity as documented by a record of past performance or references indicates a poor record of meeting expectations.
- The financial and technical resources of the contractor are not adequate to demonstrate the contractor is responsible.
- There is evidence of the contractor’s noncompliance with public policy.

(ARM, Section 17, pgs. 86)

### **8.29 Contracts**

Once an offeror has been awarded a contract, the District ensures that the resulting contract, as applicable, reflects the specifications and/or technical requirements laid out in the solicitation.  
(ARM, Section 17, pgs. 89)

#### **Small Purchase Contract (if applicable)**

While a District using a small purchase method may not have developed a solicitation that is comparable to one developed for an IFB or RFP, the District must document activities and procedures related to the following:

- Method or strategies used to obtain offers
- Product and/or service specifications and/or technical requirements communicated to potential offerors
- Cost quotes submitted by offerors

It is the responsibility of the District to ensure that the contract requirements mirror those found in the solicitation and that all of the terms of the contract are being met.

#### **Viable IFB (Sealed) Bid Requirements**

For a sealed bid to be awarded a contract—viable, the following conditions must be met.

- A firm fixed-price contract award will be made in writing to the lowest responsible and responsive offeror. When specified in bidding documents, factors such as discounts, transportation costs, and life cycle costs must be considered in determining which bid is



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lowest. Payment discounts will only be used to determine the low bid when prior experience indicates that such discounts are usually triggered.

- All offers must be publicly opened at the time and place prescribed in the invitation for bids (IFB) solicitation.
- Any or all offers may be rejected if there is a sound documented reason.
- If the IFB required a separate presentation of a bid bond, coversheet, or attachment for the offerors to use to demonstrate compliance with the IFB's responsiveness criteria, these documents may be pre-screened to determine if the bid is responsive.
- Two or more responsible offerors are willing and able to compete effectively for the business.

### 8.30 Dispute Resolution

Contract will include clauses addressing dispute resolutions. (ARM, Section 17, pg. 92)

### 8.31 Duration of Contract

For the school nutrition program, the duration for all contracts may be less than one year but must not be longer than one school year with an option to renew. There is an option to renew for three additional contract periods. Non-FSMC contracts may be renewed for an additional year three times. FSMC contracts may be renewed for an additional year four times. If there is a material change, the contract must be rebid. Material Change is a change made to a contract after the contract has been awarded that alters the terms and conditions of the contract substantially enough that had other offerors known of the change in advance, they may have bid differently and more competitively. (District will refer to Administrator's Reference Manual for guidance on what constitutes a material change). (ARM, Section 17, pgs. 92-94)

### 8.32 Protest of Contract

In the case of a protest or dispute of an action taken by the Department of Purchasing any vendor may write a letter outlining any concerns which may exist to the Director of Purchasing. Protest procedures are included in the formal solicitation procedures document (separate document).

District's Responsibility:

- District will ensure that all protests are resolved and to retain all documentation related to protests.
- The District must notify TDA when a protest is received. District will contact TDA by telephone and/or email. TDA contact information is found on the Administrator's Resource Manual. Communication must include District Identification Number.

The USDA Food and Nutrition Service (FNS) will also accept protests related to solicitation from a protestor directly if certain conditions are met. See Administrator's Reference Manual for details. (ARM, Section 17, pg. 95)

### 8.33 Managing the Contract

The District must have procedures in place to ensure that contractors perform in accordance with the contract or purchase order terms, conditions, specifications, and technical requirements. If a District has a documented history of a contractor's poor performance, this documentation can be a cause for rejecting a bid with the lowest cost or best evaluation score. If the District has not retained documentation of poor performance, there may not be sufficient evidence to reject a bid for this reason. (ARM, Section 17, pg. 96)



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- District has included in solicitation documents/terms and conditions causes for failure to comply with any of its terms/conditions.
- Child Nutrition Services (CNS) Accounting Department will review invoices upon receipt and confirm amounts are per quote/bid/contract/cooperative pricing and ensure any credits, discounts, rebates, USDA Food values are accounted for, as applicable. If there are any concerns, vendor will be contacted to correct any issues.
- CNS will document any concerns on the “Vendor Performance Report”, communicate to the vendor, as applicable, and provide to the Purchasing Department to include in bid file. Concerns include, but are not limited to, not meeting delivery dates/times/location, not meeting specifications, specific quantities are met, vendor response time to product/service issues is appropriate, etc.
- Vendor Performance Reports will be reviewed at time of bid renewal and when evaluating new bids.

### 8.34 Records Retention

The District will maintain an organized accounting and financial system that includes documentation that demonstrates compliance with program regulations and the history of all procurements. Documentation or records will be kept on file for a minimum of five years. (ARM, Section 17, pgs. 97-99)

- Solicitation Documents will include, but not limited to, all solicitation documents released as part of the procurement process and documentation that illustrates the following:
  - All offers submitted in response to the procurement solicitation
  - Cost analysis (price quotes for small purchase procurement)
  - Evaluation and ranking criteria for each procured product and/or service, including rubrics, scales, or evaluation tools
  - Expectations for the award of credits, rebates, discounts, USDA Foods values, application of adjustment or escalation clauses, and other credits as applicable
  - Offeror responsibilities including terms and conditions, the timeline for major events, and other requirements or expectations
  - Potential contractor’s questions and method for sharing answers with other potential contractors
  - Public advertisement or notification for solicitations
  - Specifications and/or technical requirements
  - Statements indicating compliance with all required federal regulations, including the Buy American provision
- Contract Documentation that includes, but is not limited to, following:
  - Actual contracts resulting from all methods of procurement.
  - Use of the *System for Award Management (SAM)*
  - Compliance with all applicable requirements—federal, state, and local
  - Health and safety certifications, licensing, or regulations as applicable
  - Professional standards as applicable
  - Records reflecting District actions to manage and monitor all contracts.
  - Statements indicating compliance with all required federal regulations, including the Buy American provision
  - Renewal contract and renewal contract amendments, including standard and market basket renewal documentation.



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- Special Situations documentation related to the following situations:
  - Approval to use a sole source procurement or emergency method.
  - Inability to buy an American product.
  - Material change when there is and is not a material change
  - Micro-purchase equitable distribution of purchases or reason for an inability to do so.
  - Noncompetitive method procurements
  - Preference given for Small and Minority Firms, Women’s Business Enterprise, Labor Surplus Area Firms, and other federal contract requirements as applicable.
  - Purchases made through a cooperative
  - Purchases made through an agent.
  - Return of credits, rebates, discounts, and USDA Foods values to the District as applicable to the type of contract (or agreement) including Districts participating in Group Buying Cooperatives; Districts using purchasing agents; and District’s participating in a operator-only cooperative.
  - Third-party compliance with procurement regulations

### **8.35 Use of Excess and Surplus Property**

To the best of its ability, Socorro ISD may utilize excess and surplus property when available. Will be notated on Solicitation Analysis Form, as applicable. The Texas Department of Agriculture allows a district to use a significant portion of its entitlement allocation from USDA to purchase Department of Defense fresh fruit and vegetable products. Districts in the state of Texas and participating in the DOD Fresh Program can receive weekly deliveries as outlined in the awarded contract from TDA. (ARM, Section 17, pg. 26)

### **8.36 Recalls (ARM, Section 14, pg. 35)**

Socorro ISD will use the following procedures regarding product recalls. When Child Nutrition Services (CNS) Department becomes aware of a product recall, the CNS Department will contact the vendor sales representative and inquire if recall affects the District. If it does not, CNS will request a letter stating so. Letter will be posted in all cafeterias. If it does affect the District, vendor will provide the District all information about the affected product. For example: Product Description, Item number, Lot Numbers, Manufacture dates, etc. CNS Department will then send a high importance email/notification to all campus managers which will do the following:

- Check to see if they have any of the affected product.
- Check the Lot Numbers
- Check the Manufacture dates
- If they do have any of the recalled product do the following:
  - Put it to the side away from other items and place a sign “do not use” and
  - Email list of recalled products to CNS office.
- CNS office will send the inventory to the Vendor for pick up and to provide District with credit.



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Deliveries are verified to ensure they are correct. Invoices are provided to the Child Nutrition Services (CNS) Accounts Payable Clerk. Accounts Payable Clerk verifies invoices to ensure cost is per bid/contract/cooperative/quote pricing. If there are any questions, Accounts Payable clerk contacts the vendor and/or cooperative utilized for clarification and/or correction. After verification process, Accounts Payable clerk inputs invoices for payment.

Any credits owed from a vendor are received on a credit form. Accounts Payable clerk will enter the credit on District's Financial system which in turn reduces owed payment to vendor. Any applicable discounts are reflected on quotes provided by vendor, as applicable. Purchase requisitions are entered reflecting the discount. Any discounts through Net off Invoice are reflected on the invoice from the vendor. The Accounts Payable clerk will verify the discounted price matches the cooperative bid. If not correct, Accounts Payable contacts the cooperative for clarification/correction. District currently utilizes Region 17/West Texas Food Service Cooperative for its food purchases and ESC 19 for its Produce.

### **8.38 Conflict of Interest, Vendor**

#### **Persons and Companies Assisting in Developing a Solicitation**

When acquiring goods and services, Districts may contract with agents or companies that provide technical information in drafting procurement specifications and/or technical requirements. This is intended to encourage program administrators to obtain information from as many sources as possible to assist them in drafting procurement documents. It is a conflict of interest for a potential offeror to have prior knowledge of the solicitation or assist in the development of solicitation. Prior knowledge and assistance include, but are not limited to, the potential offeror having input into any aspect of solicitation specifications and/or technical requirements, solicitation documentation, evaluation criteria, or award process. The District must not (1) engage an individual, entity, business, or organization in the development of a food service solicitation and/or contract if that individual, entity, business, or organization will be submitting an offer for a food service contract or (2) use information that is prepared by any individual, entity, business, or organization that will be submitting an offer for a contract. (ARM, Section 17, pg. 70, Section 15, pg. 20)

#### **Certification Regarding Lobbying**

Lobbying certification requirements are applicable to grants, sub-grants, cooperative agreements, and contracts exceeding \$100,000 in federal funds. District has included in its solicitation documents a required vendor certification of compliance. (ARM, Section 15, pg. 21)



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District has included the below on its solicitation documents to confirm vendors financial stability.

Vendor must attach a financial rating and any related documentation (such as a Dunn and Bradstreet analysis) that indicates the financial stability of company. Documentation such as an audited financial statement or financial audit “score,” copy of most recent filed tax return, credit report, letter from financial institution, or other substantiating documentation will also be considered. This information will be utilized as part of evaluation criteria to determine the financial health/stability of each vendor and if adequate financial resources are available to fulfill the requirements of the RFP. Any issues associated with the vendor’s financial health/stability to adequately service any award as a result of this RFP, in whole or in part, may be grounds for termination at the sole discretion of Socorro ISD.



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**Annual Aggregate** This pertains to the total amount of purchases made by a school district within a single category of items during a twelve-month period. The state does not prescribe on what date the period starts and stops.

**Backorder** The undelivered part of a previous order which the vendor re-enters for shipment at a later date.

**Bid** A response to a specified request for goods or services. Usually requested for contracts exceeding an annual aggregate of \$50,000.

**Bid Bond** Bid bond guarantees an owner of property that a party bidding for a contract will, if his bid is accepted, enter into a contract and furnish performance and payment bonds for the carrying out of the work, or pay the owner the difference between the amount of his bid and that of the bid finally accepted.

**Certified Check** A check endorsed by a bank which guarantees its payment.

**Change Order** A purchaser's document used to modify a purchase order.

**Competitive Pricing Mechanism** A term used to collectively describe the various methods the state has provided to meet bidding requirements for purchases above \$50,000. These include bids, requests for proposal, competitive sealed proposals, cooperative contracts, and inter-local government contracts.

**Delivery Schedule** The agreed time or rate of future deliveries of purchased goods or services.

**Discount** An amount deducted from the selling price by the vendor. It is generally applied when a purchaser meets a stipulation that reduces the cost of the goods.

**Express Warranty** Vendor's representations concerning the nature and use of goods, which he intends the buyer to rely on.

**Inventory** A stock of goods or an itemized list of a stock of goods on hand at a particular time. When ascertained by a physical count of the items it is a "physical inventory"; when determined from records maintained for routine business activities, it is a "book inventory."

**Invitation to Bid** A request made by a purchaser to prospective suppliers for their competitive price quotations on goods or services.

**Invoice** The vendor's itemized list of goods or services shipped which specifies price and terms of sale.

**Lump Sum** The price agreed upon between vendor and purchaser for a single job or a single purchase of merchandise in bulk.

**Manufacturer** One who produces or assembles items from raw materials or components.

**Negligence** Under a legal duty the doing or omission of some act which a reasonable, prudent person would not have done or omitted under the circumstances.

**Payment Bond** Payment Bond, often referred to as a Labor and Materials bond, guarantees that bills for labor and material used in the work project will be paid. This coverage is usually included automatically in the Performance Bond so no additional charge is necessary.

**Performance Bond** Performance Bond guarantees the owner that work will be completed according to the contract specifications. This is considered the key bond in a work project because the owner not only wants the work completed- usually within a specified time- but also completed according to the owner's specifications.

**Purchase** To acquire goods or services for a price.



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**Purchase Order** A purchaser's formal written offer to a vendor containing all terms and conditions of a proposed transaction.

**Purchase Requisition** A formal request made to the Purchasing Department to procure goods or services from vendors.

**Quotation** A statement of price, terms of sale, and description of goods or services offered by a vendor to a prospective purchaser. When given in response to an inquiry, it is generally considered a sales proposal that states the current price of a commodity. For the District, it is primarily used for purchases up to \$50,000.

**Rebate** A form of discount in that the vendor returns, (or rebates) to a purchaser in consideration of the purchase of a specified quantity or value of goods usually within a stated interval.

**Receiving Copy** This is a receiving department document used to inform others of the receipt of purchased goods. Copies are usually distributed to the accounting department.

**Request for Proposal (RFP)** This is an alternate to the competitive bid process. The proposals are advertised and received in the same way as bids. Once opened, the District can select the best proposal and negotiate specific terms with the vendor to further lower the price or improve the contract.

**Sample** A small portion of goods taken as a specimen of quality.

**Competitive Sealed Proposal (CSP)** A term coined by the state to identify proposals dealing with construction. The term sealed is used to indicate that the proposals are not to be made available for public review.

**Separate, Sequential, and Component Purchases** Dividing a purchase into several parts or buying parts of a system on separate orders avoid having to use competitive pricing mechanisms to purchase goods and services.

**Solicitation** A response to a specified request for goods or services. Usually requested for contracts exceeding an annual aggregate of \$50,000.

**Specification** A comprehensive and accurate statement of the technical requirements descriptive of a good or service, and of the procedure to be followed to ascertain if the requirements are met. A federal specification is a specification established in accordance with procedures prescribed by the Federal Specification Board and approved for use by all government agencies.

**Stock** The supply of goods maintained in a store's system to satisfy anticipated demand.

**Terms of Payment** The method of payment agreed upon in a sales contract. The three basic terms are cash, open account, and secured account.

**Vendor** A seller of goods or services.

**Warranty** An undertaking, either express or implied, that certain fact regarding the subject matter of a contract is as it is declared or promised to be. Not to be confused with "guarantee," which entails contractual responsibility for the substandard performance of another party?

**Wholesaler** A purchaser who buys goods for resale to a retailer or industrial user.



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## FAQ'S – Frequently Asked Questions

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1. **Is it possible that payment can be made before I receive the merchandise?**  
Yes, but prior approval from the Chief Financial Officer or Director of Purchasing is required and a purchase requisition and purchase order must be issued. The requisition must have the words “Prepayment required” with an explanation in the text field.
2. **Can I purchase the items I need and then be reimbursed?**  
No. Unless prior approval from the Chief Financial Officer or Director of Purchasing is obtained, the individual can be personally responsible for paying the vendor.
3. **May I ask a vendor to hold an item for me in anticipation of a forthcoming purchase order?**  
No, District policy states that only the purchase order has the authority to obligate District funds. Individuals will be required to pay for any item(s) placed on hold.
4. **Is it possible to purchase an item without a purchase order?**  
Any individual who obligates District funds not in accordance to the approved purchasing procedures can be solely responsible to pay the vendor.
5. **May I accept merchandise on a consignment basis?**  
No. The District will not assume the responsibility of the goods being damaged, stolen, or broken. The individual that authorizes the equipment to be on campus will be responsible for the payment of the equipment if anything should happen.
6. **May I preview films, books or other curriculum and then decide to purchase the item?**  
No. All preview films; books and curriculum require a purchase requisition and purchase order. If it is decided that the item is not required the user is to submit a change order canceling the purchase order and return the item to the vendor.
7. **May I adjust the quantities on a purchase order?**  
No. Any adjustment(s) will be treated as a purchase without a purchase order. A change order must be submitted and approved.
8. **May I adjust the description on a purchase order?**  
No. Any adjustment(s) will be treated as a purchase without a purchase order. A change order must be submitted and approved.
9. **How do I cancel a purchase order?**  
Users are to submit a change order canceling the requisition and purchase order.
10. **Can I purchase personal property for awards and recognition?**  
No, personal property purchased can be considered a gift and not allowable according to the state constitution.
11. **What can be purchased as an award or recognition for a student?**  
Reasonable items such as certificates, plaques, ribbons, small trophies or inexpensive instructionally related items such as pens/pencils to be used in the classroom.
12. **What can be purchased as an award for an employee?**  
Reasonable items such as certificates, plaques, ribbons, small trophies, lapel pins can be purchased, but should be done with discretion.
13. **What do I do for contract renewals?**  
Whenever renewing an existing contract, please complete the Contract Agreement Processing Form which is available on the purchasing website. Please indicate “renewal” on the form and include any changes to the existing contract and forward to the Purchasing Department (Administrative Specialist). Once approved, you will be notified of the contract number to use on a requisition.



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- 14. When do I need a contract?**  
Anytime a service is being provided, equipment is being rented or leased.
- 15. Where do I find the Bid number or bid name?**  
Go to the purchasing department web site and click on a link titled “AWARDED VENDORS”. It will produce a PDF file that you can search (find option) or cross reference by bid name, bid number and awarded vendor.  
This is updated monthly and is a valuable resource.
- 16. How do I get a copy of bid award?**  
Go the purchasing department web site and click on the “AWARD SUMMARY SHEETS” (tab sheets) and it will provide a list of bid awards that are available for download in PDF format. If it is not listed, please contact your Purchasing Agent for a hard copy or e-mail.
- 17. How long does it take to process a requisition?**  
Normally the purchasing department tries to process requisitions in an expeditious manner. There are circumstances that can increase or decrease our efficiency. However the district tries to process in 3-5 days from date of final prior approval (director or campus).
- 18. How do I know the status of a requisition?**  
In MUNIS, query the requisition, the approval or workflow will indicate what pending approvals are needed.
- 19. My requisition has not been approved for some time, what can I do?**  
Look in the system (notes), check email correspondence and contact the appropriate Purchasing Agent or anyone in the Purchasing department. If the requisition is pending at a special approval level (prior approval), please contact the Program director (and if by email, copy the purchasing agent) to make them aware of the issues.
- 20. Am I obligated to use a bid vendor if other vendors may be less expensive?**  
A solicited vendor has a binding contract with the district and is entitled to some rights with this contract, such as “right of first refusal”. If prices obtained from non-bid vendors are significantly lower, there are options under the contract and bids special terms and conditions that allow the district to routinely gauge the market price, if the market price is significantly lower; the vendor has the option of lowering his agreed upon price or refusing and possibly losing the solicitation award. There are always circumstances that must be investigated.

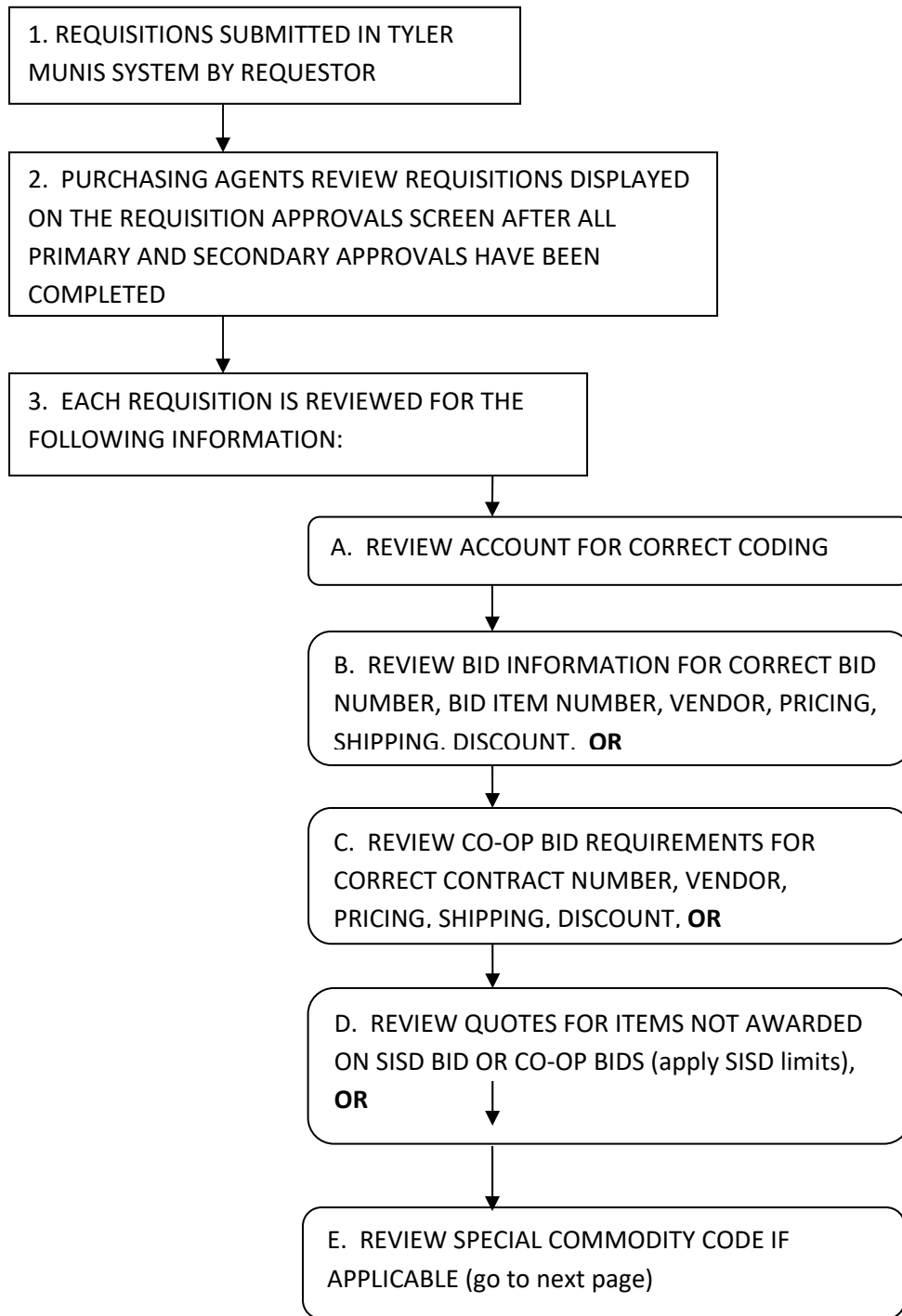


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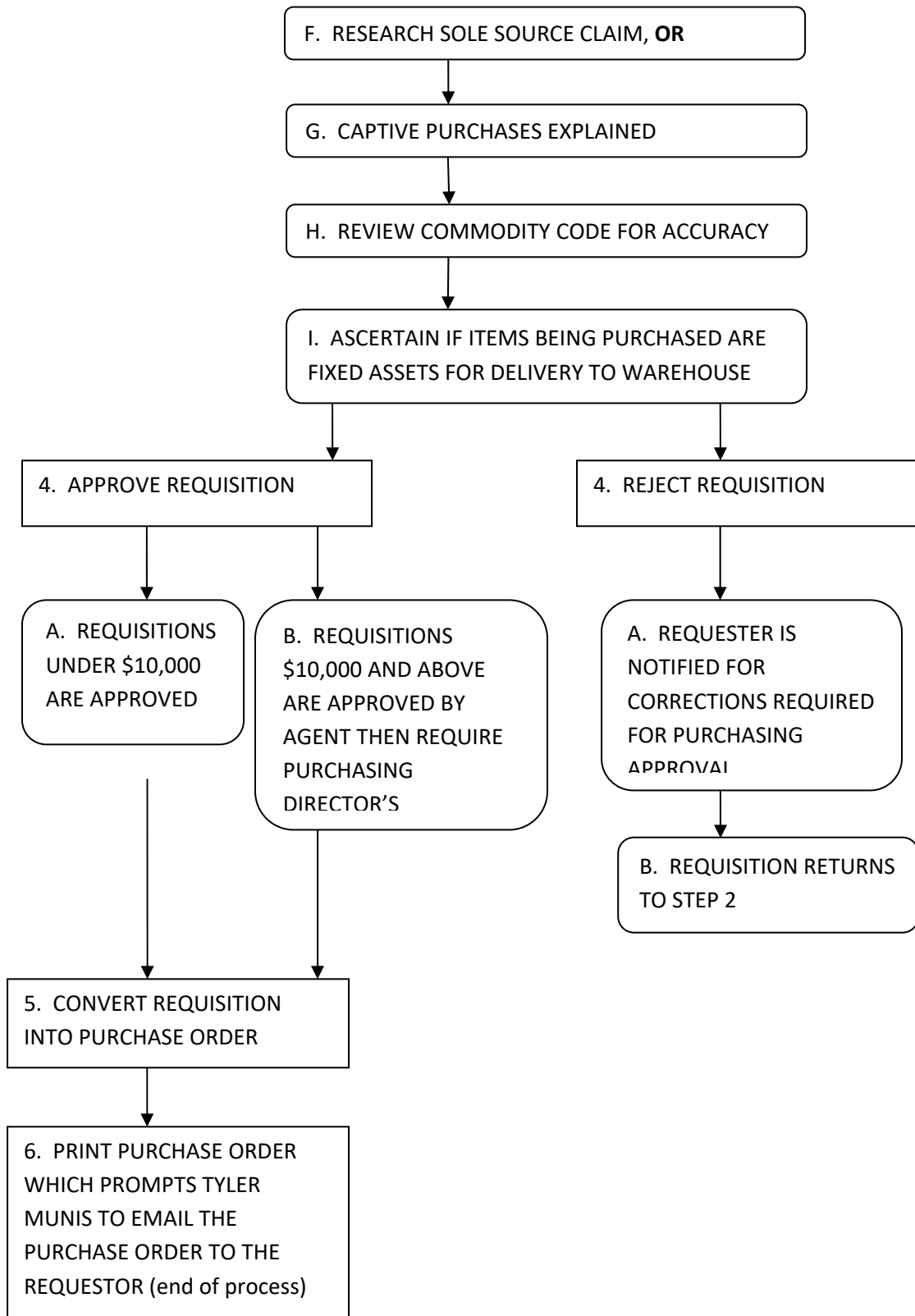
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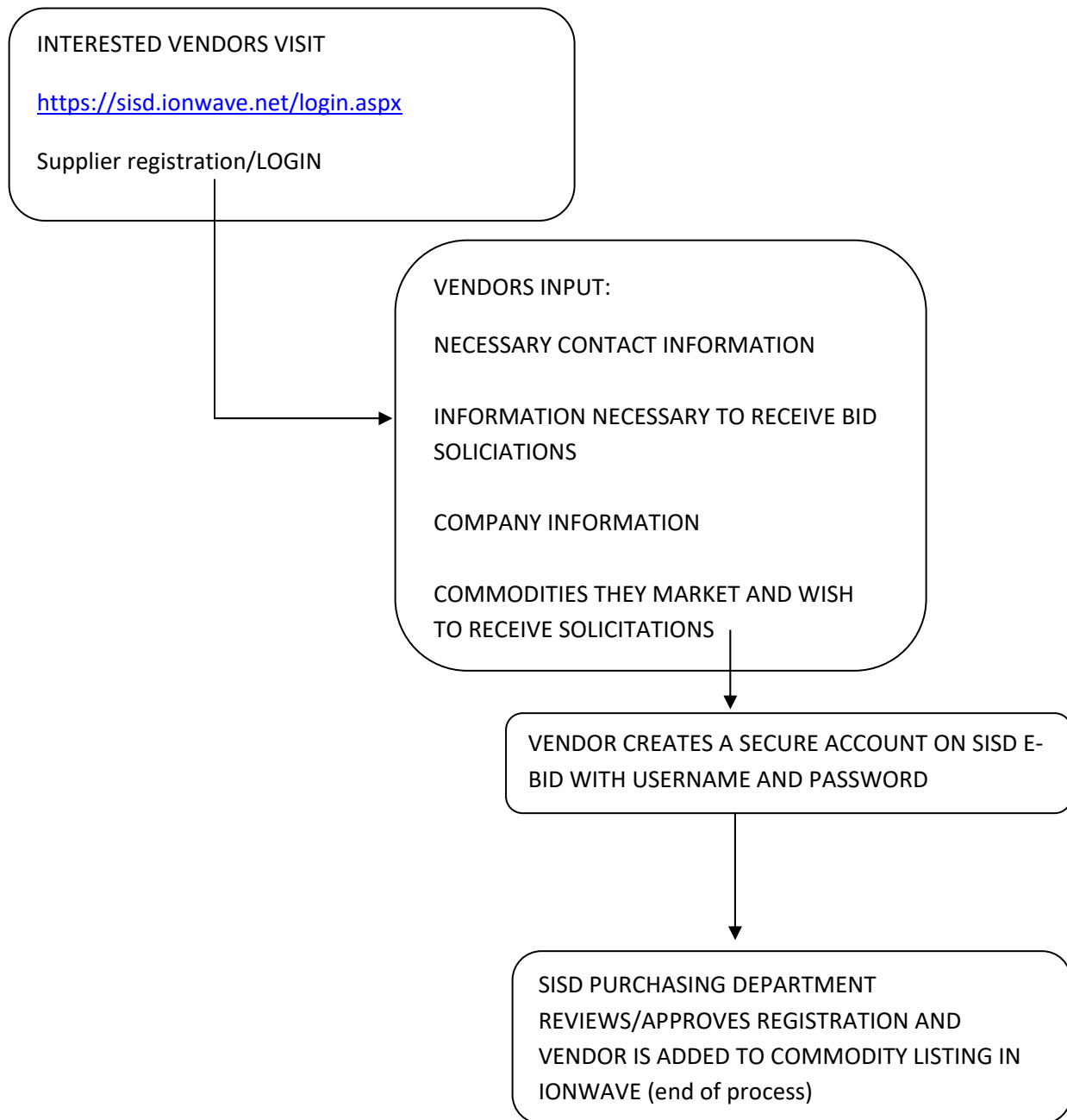
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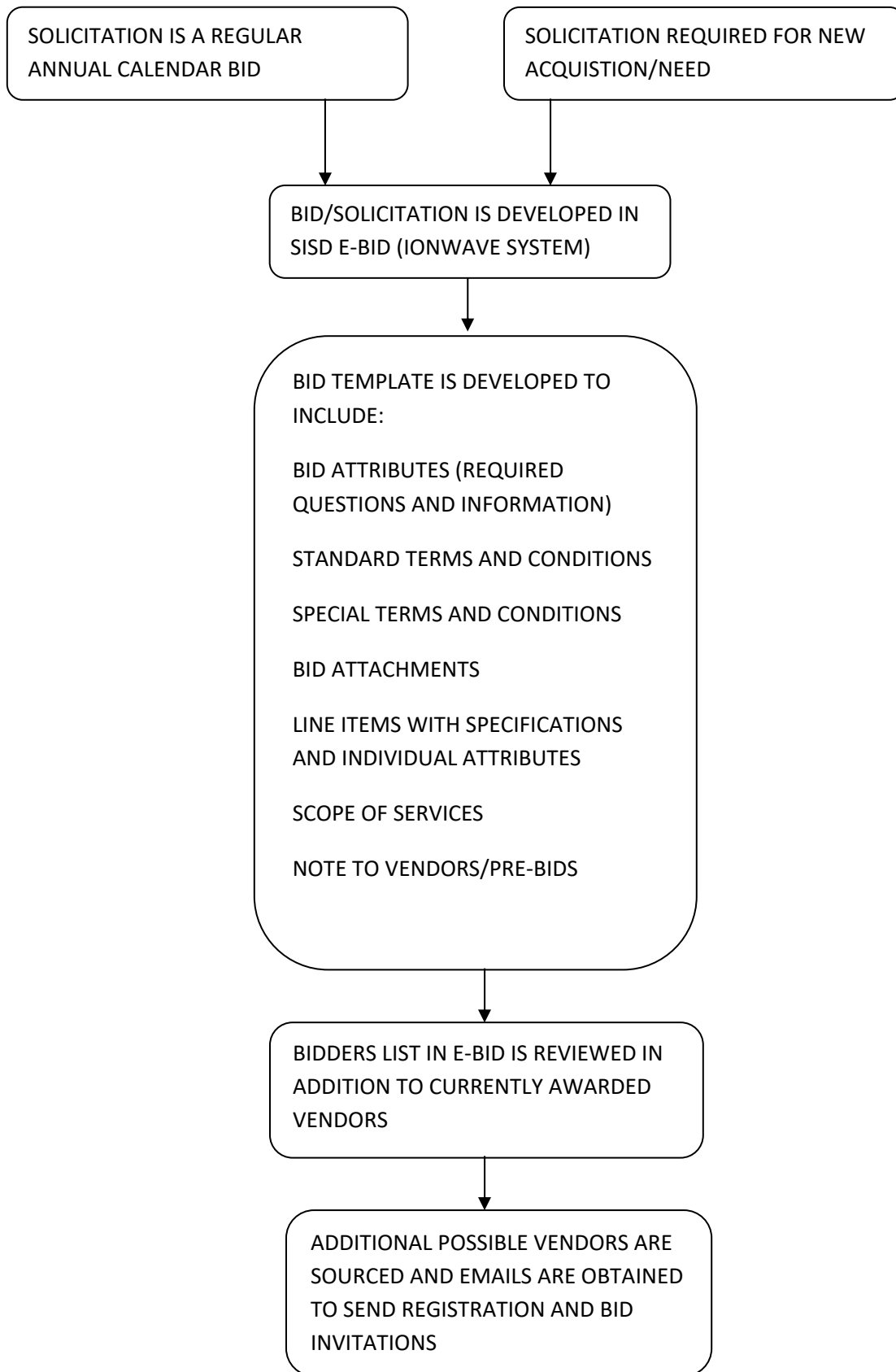
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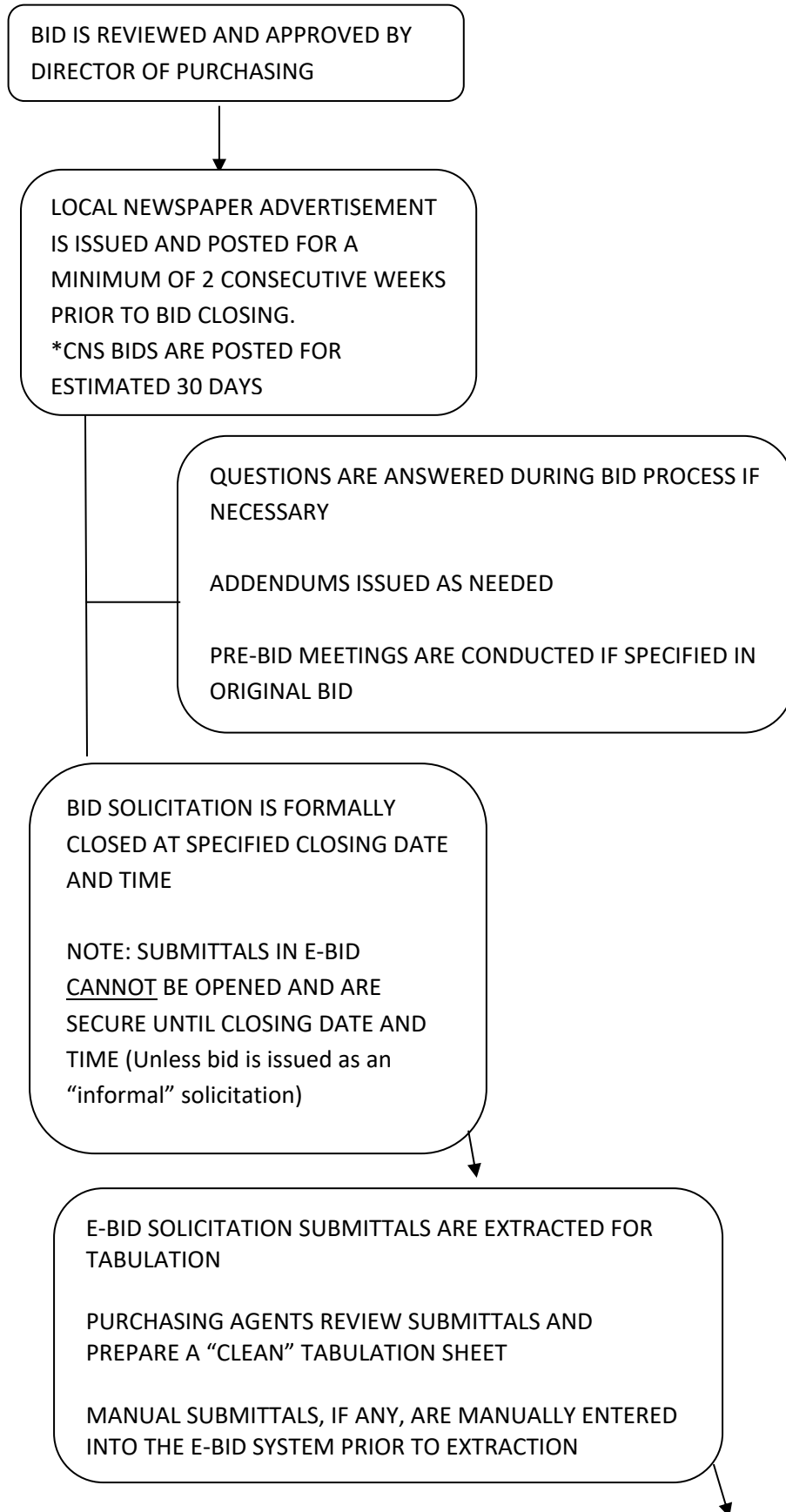
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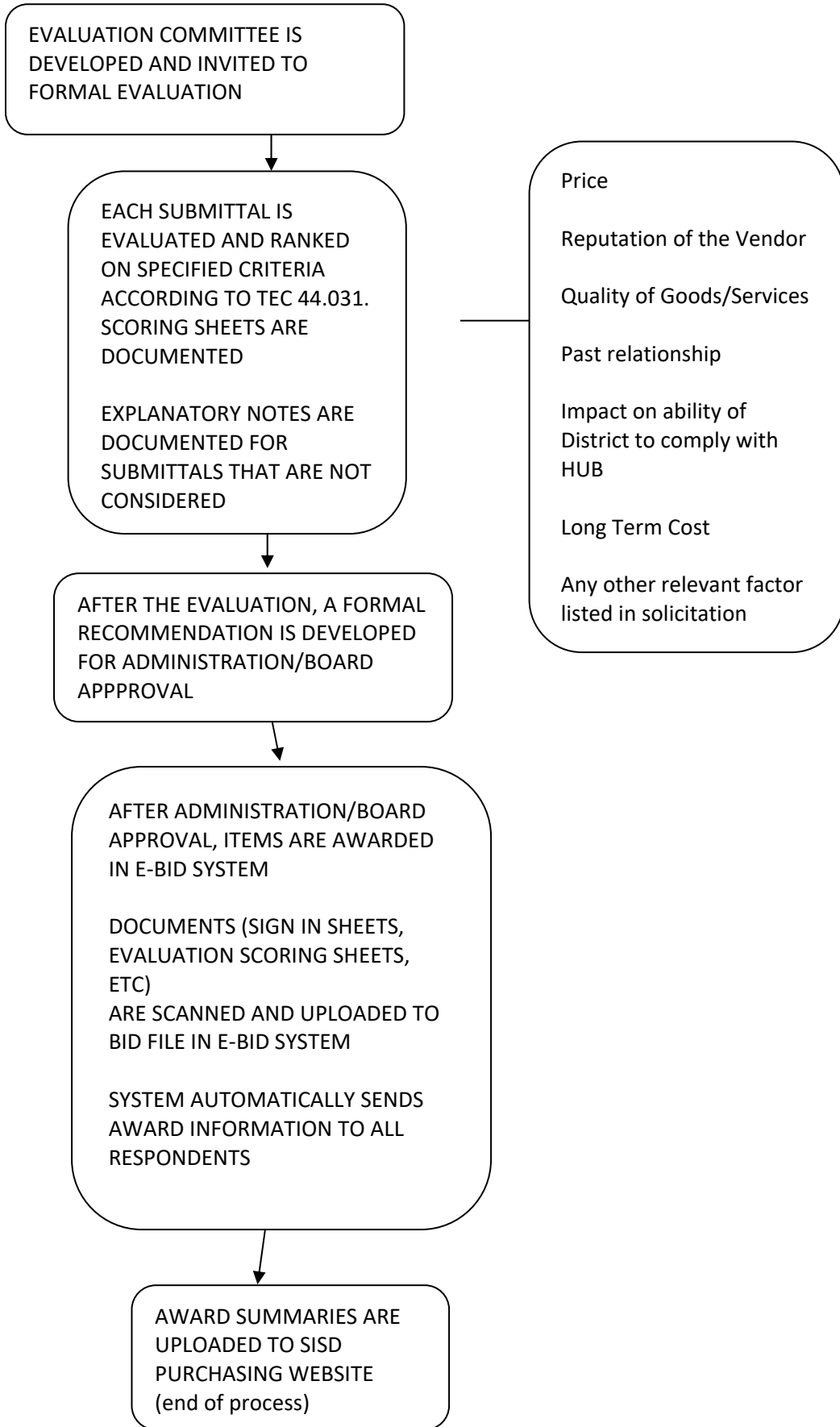
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Board Approval Process Form

CIQ - Conflict of Interest Questionnaire

Contract Agreement Processing Form

Consent and Disclosure Form

Consentimiento y Revelacion de Informacion - Forma

EDGAR Form (PO)

New Request for Quote

Request to Process Solicitations Forms

Request to Add and Modify - Employee

Request to Add and Modify - Vendor

Vendor Performance Report

W-9 Form



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## 15 Policies

The following polices (current as of date of manual) are found and explained in detail on the SISD website.

- 1) policies
- 2) Search
- 3) Browse topics (C)
- 4) Business & Support Services.

CH (Legal)	Purchasing and Acquisition
CH (Local)	Purchasing and Acquisition
CHE (Legal)	Purchasing and Acquisition (Vendor Relations)
CHF (Legal)	Purchasing and Acquisition (Payment Procedures)
CHG (Legal)	Purchasing and Acquisition (Real Property and Improvements)
CHG (Local)	Purchasing and Acquisition (Real Property and Improvements)
CHH (Legal)	Purchasing and Acquisition (Financing Personal Property Purchases)
CI (Legal)	School Properties Disposal
CI (Local)	School Properties Disposal
CO (Legal)	Food and Nutrition Management
CO (Local)	Food and Nutrition Management
COA (Legal)	Food and Nutrition Management Procurement
CV (Legal)	Facilities Construction
CV (Local)	Facilities Construction
CVA (Legal)	Facilities Construction (Competitive Bidding)
CVA (Local)	Facilities Construction (Competitive Bidding)
CVB (Legal)	Facilities Construction (Competitive Sealed Proposals)
CVB (Local)	Facilities Construction (Competitive Sealed Proposals)
CVC (Legal)	Facilities Construction (Design-Build Contracts)
CVD (Legal)	Facilities Construction (Construction Manager Agent)
CVE (Legal)	Facilities Construction (Construction Manager at Risk)
CVF (Legal)	Facilities Construction (Job Order Contracts)
FJ (Local)	Gifts and Solicitations.

The following administrative regulations (ad-regs) can also be found on the SISD website:

CH	Purchasing and Acquisition
CHD	Purchasing and Acquisition (Hospitality/ Catering)
CHE	Purchasing and Acquisition (Vendor Relations)
CHF	Purchasing and Acquisition (Payment Procedures)
CVB	Selection of Architect, Engineer and Contractor
FJ	Gifts and Solicitations



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