

# KANAWHA COUNTY SCHOOLS ADMINISTRATIVE REGULATION

## Purchasing Procedures

Series: D15A

Reference: W.Va. Code §§5A-3-9, 5A-3-44, 5-22-1, 18-5-12

Issued: 02.09.1994

Revised: 08.11.1998; 03.01.04; 05.01.15; May 10, 2018

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**15.1 Competitive Pricing.** It is the policy of the District to adhere to sound procurement procedures so that materials and services of acceptable quality are obtained on an economical basis. In furtherance of this policy, competitive pricing shall be used in all cases except as provided for in Section 15.2 herein. To reflect the best value for Kanawha County Schools, bid awards, in addition to initial price, may be based on factors including, quality, service, operating costs, utility consumption, salvage value or other life cycle costing measures. Competitive pricing methods are set forth as follows:

**15.1.1 Published Solicitation of Bids** – A published solicitation of sealed bids shall be undertaken when the cost of the purchase is expected to exceed \$25,000.

**15.1.2 Unpublished Solicitation of Bids** – An unpublished solicitation of sealed bids shall be undertaken when the cost of the purchase is expected to be \$5,000.00 or more, as long as an adequate list of qualified responsible vendors has been established.

**15.1.3 Verbal Quotations** – A solicitation of verbal quotations is regarded as an exception to the requirement that sealed bids be solicited and may be undertaken if a transaction must be finalized on an expedited basis. Verbal quotation includes but is not limited to: telephone, internet, mail, or by visiting the vendor.

**15.1.4 Open-end Purchase Contract** – In certain situations vendors may be requested to maintain the prices and terms of their sealed bids for a specific period of time. In such situations purchases may be undertaken during the time period such prices and terms are maintained.

**15.1.5 Catalog Contract** – Catalog price discounts may be negotiated with several suppliers to obtain discounts from standard catalog prices for a stated period of time. In situation where a low volume item is sought and a bidding procedure is not economical, purchases may be undertaken based on such negotiated discounts.

**15.1.6 Government Contracts** – Purchases may be made through current Federal, State, city or RESA contracts.

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**15.2 Non-competitive Pricing.** Non-competitive pricing is allowed in situation where:

**15.2.1 Bidding not economical** – For purchases less than \$5,000.00, the formal bidding process is generally not economical. However, for limited value purchase orders, three documented faxed, e-mailed or verbal quotes are required for all purchases greater than \$500 and less than \$1,000.00. The Purchasing Department has copies of the appropriate forms to be used for documentation of verbal quotes (Board of Education Telephone Bids or Request for Quotations). The budget manager is required to obtain these quotes.

**15.2.2 Emergency** – When a budget manager determines that an emergency purchase is required, the Office of Purchasing and Supply Management is to be provided with the vendor's name, product sought, price and budget account number. Unless immediate attention is required, three documented faxed, e-mailed or verbal quotes will be obtained.

**15.2.3 Sole Source** – Sole (single) source purchases may be made where: there is no competition to provide a comparable product; the product is unique; the product has patented or proprietary rights; the product has superior capabilities that are not available from similar products; and/or the product is not marketed through other wholesalers, jobbers or distributors. Sole source purchase must be based upon written justification provided by the budget manager and approved by the Director of Purchasing and Treasurer.

**15.2.4 Education Materials** – Proprietary or copyrighted educational materials and textbooks may be purchased, to meet needs of instructional programs.

**15.2.5 Department of Education Policy** – Purchasing Policies and Procedures, Alternative Procurement methods or other Exemptions from Competitive Bid Requirements must be utilized in accordance with West Virginia Department of Education Policy 8200.

**15.3 Non-competitive pricing procedures.**

**15.3.1 Catalog Pricing** – Catalog price purchases may be undertaken for specialized or low volume items where efforts to negotiate a catalog price discount contract as provided in Section 15.1.5 herein have been unsuccessful.

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**15.3.2 Convenience Blanket Orders** – Convenience blanket orders may be placed with qualified responsible vendors for products or services that have an unpredictable demand schedule in terms of quantity or description. Such orders shall not exceed \$5,000.

**15.3.3 Contracted Price Blanket Orders** – Contracted price blanket orders may be placed with qualified responsible bidders for products or services that are used periodically. Pricing for such products or services shall be already established by a previous competitive process. Any new or accrual request exceeding \$5,000 must be approved by the appropriate Management Team member.

**15.3.4 Limited Value** – Limited value purchase orders may be issued to a vendor by a budget manager for materials or services not exceeding a cost of \$1,000. To ensure that funds are properly encumbered, the budget manager is required to obtain a purchase order number prior to issuing such limited value purchase orders. Also, the budget manager is required to obtain three documented faxed, e-mailed or verbal quotations for any purchase exceeding \$500 and not exceeding \$1,000, unless previously established contract prices are used. Limited Value orders **may not** be used for the purchase of computer hardware and office furniture. The stringing or multiple uses of Limited Value orders to circumvent the bidding process is not permitted.

**15.3.5 Estimated Prices** – In situations where the existence of a volatile market prohibits the establishment of firm prices, a vendor may be instructed to secure the product sought at a price not to exceed a certain amount. The product sought shall not be secured by the vendor at a price greater than the established amount without the consent of the Office of Purchasing and Supply Management.

**15.4 Purchasing Approval Requirements.** All purchases of products and/or services shall be approved as follows:

**15.4.1 Purchase Requests.**

(1) All purchase requests must be approved by the budget manager.

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- (2) All purchase requests in excess of \$5,000 must be approved by the budget manager and the responsible member of the Kanawha County Schools Management Team.
  - (3) The appropriate member of the Kanawha County Schools Management Team must approve all purchases for computers or office furniture.

### **15.4.2**      Purchase Orders.

- (1) General purchase orders not exceeding \$5,000 in value must be approved and signed by a buyer.
- (2) General purchase orders greater than \$5,000 must be approved and signed by the Director of Office of Purchasing and Supply Management.
- (3) The Treasurer and Superintendent must approve general purchase orders greater than \$25,000, not previously approved by Board action.
- (4) In the event prior Board action has not been taken to authorize the purchase of products or services, (e.g., textbooks, buses, social security deposits, utilities, insurance, fuels, etc.) general purchase orders exceeding \$100,000, items must be approved by the Board of Education.

### **15.5**      Other Requirements.

**15.5.1** Sensitive Items – Purchases of computer hardware and office furniture must be submitted on a regular purchase requisition, and must be approved by the appropriate member of the Management Team. Finally, the purchase of any computers, from a source other than the current county contract, must be approved by the Director of Technology or the Director of Information Systems.

**15.5.2** Bids and Performance Bonds – In all cases where required by law and in such other cases where it is determined that bid bonds and/or performance bonds are necessary to ensure conformance with pertinent requirements, the Office of Purchasing and Supply

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Management shall require the submission of bid and/or performance bonds.

**15.5.3 School Based Purchasing With School Funds** – School purchase orders must be used for all purchases made from outside vendors. All purchases must conform to the requirements of the *Manual of Financial Records for Kanawha County Schools*, 5<sup>th</sup> Edition, as well as the *Accounting Procedures Manual for the Public Schools in the State West Virginia*, West Virginia Board of Education Policy 1224.1, and West Virginia Department of Education Policy 8200. Documentation of the competitive pricing and selection shall be preserved for audit purposes.

**15.5.4 School Based Purchasing From Budgeted Accounts** – All purchases from budgeted accounts must be processed under the appropriate object code, using the procedures set forth in Sections 15.01, 15.02, 15.03 and 15.04 herein.

**15.5.5 Leases** – The use of multiple year leases at the school level, for items including equipment and copy machines, is prohibited. Also, all single year leases are to be reviewed and approved by the Purchasing Department.

**15.5.6 Warehouse Supplies** – Selected school products are available through the Warehouse Supply Catalog. To ensure cost effective procurement, this source must be used for all available supplies.

**15.5.7 Purchasing Advisory Committee** – A Purchasing Oversight Committee consisting of business advisors, school administrators, teachers and community representatives will periodically review purchasing policies and practices.

**15.5.8 Internal Audit** – An internal audit of the Kanawha County Schools purchasing system will be conducted annually, and findings will be formally reported to the Superintendent.

**15.5.9 Violations of Purchasing Regulations** – Violations of purchasing regulations will be reported to the Director of Purchasing for appropriate administrative recommendations and/or disciplinary action.

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### 15.5.10 Vendors –

**15.5.10.1 Approved Vendors** – Individuals and corporate vendors, who submit a Kanawha County Schools’ vendor registration form that does not reflect any potential conflict of interest, may be placed on the approved vendor list.

### 15.5.10.2 Conflict of Interest (W.Va. Code §61-10-15)

- (a) Businesses owned solely or in part by Kanawha County School employees or members of the Kanawha County School Board may not be placed on the approved vendor list.
- (b) Businesses in which Kanawha County School employees or elected Board members have the potential to benefit, either directly or indirectly, may not be placed on the approved vendors' list.

**15.5.11 Vendor Non-performance** – Vendors who fail to meet contractual obligations, for reasons including the following, may be suspended from the approved vendors list: substandard service, poor quality, untimely delivery, product switching, or failure to meet time schedules. Vendors recommended for such suspension may appeal to the Director of Purchasing. The Business Team will conduct a hearing that affords the vendor an opportunity to present information relative to the recommended suspension. The decision of the Business Team will be final.

**15.5.12 Vendor Misconduct** - Vendors are expected to adhere to the highest ethical standards. Vendors who attempt to interfere with a fair and open bid process are subject to suspension from the bidder list. Examples of such misconduct include, but are not limited to alteration of prices after a bid opening; publication of false information that serves to undermine the integrity of the bid process; and, the harassment or coercion of Board employees. Vendors recommended for such suspension may appeal to the Director of Purchasing. The Business Team will conduct a hearing that affords the vendor an opportunity to present information relative to the recommended suspension. The decision of the Business Team will be final.

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**15.5.13** Non-responsive Vendors – For efficient management of bidder lists, any vendor who fails to respond to two consecutive bid invitations may be removed from that specific bid list. Any vendor so removed may, at any time, request reinstatement should they again wish to become an active bidder.

**15.06 Resident Vendor Preference.** Resident vendors of the State of West Virginia shall be offered the opportunity to claim a resident vendor preference up to five (5) percent of the lowest bid submitted by a qualified bidder in the awarding of a bid for the purchase of commodities and printing. This provision does not include purchases made with federal funds where the federal program regulations prohibit the granting of such vendor preference or under other circumstances where such preferences are not permitted.

A qualifying resident vendor is one who maintains the following business activities and has paid the indicated taxes within the State:

1. Is authorized to transact business within the State by appropriate authorities;
2. Maintains an office in the State;
3. Has actually paid real or personal property taxes on real estate or equipment used in the regular course of business related to the commodities or services offered;
4. Has paid business taxes to the State and to municipalities; and
5. When selling tangible personal property, has available for delivery a stock of materials of the type being offered and of a reasonable quantity.

**15.07 Private Gain and Gifts (W.Va. Governmental Ethics Act).** In furtherance of the W. Va. Governmental Ethics Act, employees shall not solicit or accept any gifts, incentives, premiums or other inducements for personal gain. If promotional materials are provided as a standard part of any purchase, they are at all times, to remain the property of the school system.