



DJB - PURCHASING PROCEDURES

As used in this policy, the term “purchase” is defined to include buying goods and/or services with cash, a check or a purchasing card, as well as signing or otherwise agreeing to a contract that purportedly obligates the District to buy goods and/or services.

Before discussing contract terms or negotiating with any prospective vendors, employees who wish to make a purchase for the District of \$5,000 or more shall contact the purchasing and materials manager or a buyer in the Purchasing and Materials Management Department to ensure that the appropriate procedures are in place and the appropriate documents will be used for the contemplated purchase. Purchase orders shall not be issued for goods and/or services of \$5,000 or more unless the purchase is covered by either the District’s standard written purchase order terms and conditions or a separate written contract in accordance with governing law and District policies, regulations and administrative guidelines.

Purchases resulting from documented price quotes, competitive bidding or competitive proposals shall be awarded without favor or prejudice to the lowest responsive, responsible vendor based on the best interests of the District. The executive director of finance or purchasing and materials manager may in their sole and final discretion reject any or all price quotes, competitive bids and competitive proposals; waive irregularities or technicalities in the price quote, competitive bid or competitive proposal process; and accept the price quote, competitive bid or competitive proposal that appears to be in the best interest of the District with or without further negotiations.

PROCEDURES BASED ON COST OF PURCHASE

Except as otherwise provided in this policy and subject to the terms of Policies DJ, DJA and DJC, the following procedures shall govern each District purchase of goods and/or services based on the total cost of the purchase (note that the procedures prescribed for purchases involving higher dollar amounts may be used for purchases involving lower dollar amounts):

1. Purchases up to \$5,000 may be made without complying with the procedures described in item numbers 2 or 3 below.
2. Purchases from \$5,000 up to \$50,000 shall be based at minimum on at least three (3) documented price quotes.
3. Purchases for \$50,000 and up shall be based at minimum on a competitive bidding process or a competitive proposal process.

Purchases shall not be divided for the purpose of circumventing the above-specified procedures.

DOCUMENTED PRICE QUOTES PROCESS

The procedure for documented price quotes requires at minimum that: (a) the District obtain prices in writing for the desired goods and/or services solicited from at least three qualified vendors; (b) the terms and conditions governing the purchase are covered by the District's standard written purchase order terms and conditions or by a separate written contract subject to approval by the contract administrator or legal counsel for the District; and (c) the Purchasing and Materials Management Department maintains a record of each written price quote, together with related information provided by each vendor.

COMPETITIVE BIDDING PROCESS

Procedures for competitive bidding shall be established and administered by the Purchasing and Materials Management Department in cooperation with other interested District departments, sites and employees. Such procedures shall at minimum include the following: (a) District preparation and distribution of detailed specifications regarding the goods and/or services to be purchased; (b) District preparation and distribution of written terms and conditions governing the purchase, which may be those in the District's standard written purchase order terms and conditions, or may be in a separate written contract subject to approval by the contract administrator or legal counsel for the District; (c) District preparation and distribution of written procedures governing the bidding and award process; (d) District solicitation of at least three qualified bidders; and (e) a public bid opening by at least two District officials, one of whom shall be an official in the Purchasing and Materials Management Department.

COMPETITIVE PROPOSAL PROCESS

The competitive proposal process may be appropriate when the goods and/or services to be purchased are of a complex nature, and/or when the expertise of the marketplace is necessary or desirable to make the purchasing decision. Procedures for soliciting and evaluating proposals, and for awarding contracts based on those proposals, shall be established and administered by the Purchasing and Materials Management Department in cooperation with other interested District departments, sites and employees. Such procedures shall at minimum include the following: (a) District preparation and distribution of objectives, project description and/or other information upon which vendor proposals are to be based; (b) District preparation and distribution of written procedures governing evaluation of proposals and award of contract; (c) District solicitation of proposals from at least three qualified organizations or individuals; (d) District interviews of some, all or none of the organizations or individuals submitting proposals conducted by at least two District officials, one of whom shall be an official in the Purchasing and Materials Management Department; and (e) negotiation of a written

contract subject to approval by the contract administrator or legal counsel for the District with acceptable provisions governing the terms and conditions of the purchase.

EXCEPTIONS TO PURCHASING PROCEDURES AND PURCHASING AUTHORITY

THE FOLLOWING EXCEPTIONS SHALL APPLY WITH RESPECT TO THE PURCHASING PROCEDURES DESCRIBED IN THIS POLICY:

Construction Projects

Construction projects shall be governed by written contracts developed and negotiated by authorized officials in the District's Planning, Design and Construction Department or Facility Services Department. The form of such written contracts shall be reviewed by legal counsel for the District, and if necessary revised, prior to their use. The construction project prequalification process; as well as the documented price quotes process, competitive bidding process and competitive proposal process applicable to construction projects; may be governed by separate policies, regulations and administrative guidelines in addition to this policy.

Educational Equipment, Materials and/or Services

Educational equipment, materials and/or services may be purchased based on a determination by the superintendent or an assistant superintendent of need, appropriateness and compatibility with the District curriculum and/or program for which they are being obtained. Written contracts for such purchases shall be subject to approval by the contract administrator or legal counsel for the District working in conjunction with the superintendent, one or more assistant superintendents and/or their designees. Documented price quotes, competitive bidding and/or competitive proposals are not required (but may be utilized) for such purchases.

Sole Source Items

"Sole source items" are defined as unique goods and/or services from a single vendor that is the only vendor known to provide such goods and/or services for such reasons as a patent on the goods, unique expertise in performing the services, lack of competition, or technological superiority. District employees may apply for approval to purchase sole source items by providing the purchasing and materials manager and/or the executive director of finance with appropriate documentation the employees believe establishes that the goods and/or services to be purchased satisfy the criteria for sole source items. Purchases of sole source items for \$5,000 or more that are approved by the purchasing and materials manager or the executive director of finance may be made without documented price quotes, competitive bidding or competitive proposals.

District Best Interests

If determined by the superintendent or executive director of finance with respect to a purchase of up to \$250,000, or by the Board of Education with respect to a purchase of \$250,000 or more, that documented price quotes, competitive bidding and/or competitive proposals would result in higher cost to the District or would otherwise adversely affect the District, any or all such procedures may be waived for that purchase.

THE FOLLOWING EXCEPTION SHALL APPLY WITH RESPECT TO THE PURCHASING PROCEDURES DESCRIBED IN THIS POLICY AND TO THE PURCHASING AUTHORITY DESCRIBED IN POLICY DJA:

Emergencies

For purposes of this policy, an “emergency” is defined as: (a) the substantial likelihood of an imminent adverse effect on the health, welfare or safety of District students, staff or the general public; (b) the substantial likelihood of imminent destruction or substantial damage to property; or (c) the substantial likelihood that a delay in purchasing particular goods and/or services will create an excessive financial risk or liability exposure for the District.

In cases where an emergency requires the immediate purchase of goods and/or services, the responsible District official shall have the authority to make necessary purchases notwithstanding the purchasing authority limitations described in Policy DJA. Such purchases shall be made in the best interest of the District and shall not require documented price quotes, competitive bidding or competitive proposals. As soon as possible after making such purchases, the District official shall submit an emergency purchase requisition to the Purchasing and Materials Management Department, along with a written explanation of all relevant information concerning the emergency.

All emergency purchases shall be reviewed by the executive director of finance, who shall report thereon to the superintendent and, for emergency purchases of \$250,000 or more, to the Board of Education.

GRIEVANCES

The purchasing and materials manager shall investigate and render a decision on all claims and protests by vendors or potential vendors regarding a purchase or the procurement process; the documented price quote, competitive bidding or competitive proposal process; or any dispute arising out of or in connection with a purchase order or contract award process. Such claims and protests shall be deemed to be waived if not made within ten (10) business days of the challenged action or failure to act. Appeals of the manager’s decision shall be made first to the executive director of finance and then to the superintendent. For actual or potential purchases up to \$250,000, the superintendent’s decision shall constitute the District’s final determination of the matter

on appeal. For actual or potential purchases of \$250,000 or more, the Board of Education may but is not required to hear an appeal from the superintendent's decision.

Adopted by Board: April 1972

Revised by Board: May 1982

Revised by Board: April 1988

Revised by Board to conform with practice: May 22, 1995

Revised by Board: April 8, 1996

Revised by Board: June 10, 1996

Revised by Board: June 28, 2004

Revised by Superintendent: May 14, 2007

Revised by Superintendent: March 21, 2016

Revised by Superintendent: March 8, 2017

LEGAL REF:

C.R.S. 22-32-109(1)(b)

CROSS REFS:

DJ, Purchasing

DJA, Purchasing Authority

DJC, Petty Cash

DJG/DJGA, Vendor Relations, Sales Calls and Demonstrations

FE, Construction Projects and Contracting Procedures

FEAA, Construction Project Prequalification