

QUEEN ANNE'S COUNTY PUBLIC SCHOOLS

Policy Title: Procurement of Goods and Services
Policy No.: 310

Scheduled Reads

1st Read: January 18, 2023
2nd Read: February 1, 2023
Approval: March 1, 2023

Attachment(s): Click or tap here to enter text.

AGENDA ITEM FOR THE BOARD OF EDUCATION

X **Information/Review** *(This is the first reading for this policy before being posted on the school district's website for the public comment period, after which it will be brought back to the Board for the second reading with any revisions as appropriate.)*

_____ **Second Reading** *(This is the second reading for this policy. Edits as a result of public comment are included. Also included are recommended edits by Board members or Administration.)*

_____ **Action** *(The Superintendent recommends approval of this Policy subject to final edits for format and style.)*

STAFF PRESENTATION: Jane K. Towers
FISCAL IMPACT: None
DOLLAR AMOUNT: N/A

BUDGETED: N/A
BUDGET SOURCE: N/A

SUBJECT:
Procurement of Goods and Services

BACKGROUND:
To update current policy

DISCUSSION:
Click or tap here to enter text.

POLICY Board of Education of Queen Anne's County ~~Public Schools~~

Responsible Office:	Finance
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PROCUREMENT OF GOODS AND SERVICES

I. PURPOSE

The purpose of this policy is to set guidelines for the procurement process for all goods and/or services used by the Queen Anne's County Public Schools (QACPS).

II. POLICY STATEMENT

The Board of Education of Queen Anne's County (Board) expects that all funds provided to them for all goods and services will be procured and expended in the most ethical, effective, and efficient manner possible and those procurement activities will be carried out in compliance with Maryland laws including, Md. CODE ANN., EDUC. § 5-112.

III. DEFINITIONS

Within the context of this policy, the following definitions apply:

A. *Contract* – Agreements that are legally binding which are for the procurement of goods, services, or capital construction, regardless of the source of funds.

B. *Emergency Procurement* – A contract issued due to a sudden and unexpected occurrence or condition which was unforeseen whereby life, health, safety, property, or interruption of the regular operation of the school system would be impacted as determined by the Superintendent and/or Chief Financial Officer.

C. *Formal Procurement* – A written offer by a supplier received by Queen Anne's County Public Schools (QACPS) through either a Request for Proposal (RFP), Request for Quote (RFQ), or written documentation as part of an Intergovernmental Cooperative Purchasing Agreement (ICPA).

D. *Goods* – Tangible commodities provided to the Board in exchange for payment.

E. *Intergovernmental Cooperative Purchasing Agreement (ICPA)* – The acquisition of goods or services through an agreement with another government agency such as the county, state or other public entities.

F. *Minority Business Enterprises* – Any legal entity, except a joint venture that is

1. Organized to engage in commercial transactions.
2. At least 51% owned and controlled by 1 or more individuals who are socially and economically disadvantaged, including but not limited to women, racial/ethnic minority individuals, and individuals with physical and mental disabilities; and
3. Managed by, and the daily business operations of which are controlled by, one or more of the socially and economically disadvantaged individuals who own it.

G. *Minority Business Enterprise Participation* -- The inclusion of a Minority Business Enterprise (MBE) as either prime or subcontractors in Board contracts.

H. *Procurement* -- The process of obtaining goods and/or services.

I. *Procurement Methods* -- The procedures and processes that outline the threshold levels and efforts required to establish a contract.

J. *Purchasing Cooperative* -- Participation in or use of a contract for goods and/or services that are awarded by other public agencies or by intergovernmental purchasing organizations.

K. *Response* -- A written or verbal quote, bid, proposal, or offer.

L. *School Activity Funds* -- All cash funds held in the name of a school, generally consisting of monetary donations, field trips, fundraising proceeds, reimbursements from the Board, small grants and funds provided to a school not allocated through the Board budget.

M. *Services* -- Providing time, effort, or other work rather than the furnishing of a specific physical product. Types of services include, but are not limited to, the professional, personal, and/or contractual services, generally provided by architects, engineers, attorneys, accountants, athletic trainers, educational and other consultants, where services provided are associated with specific expertise.

N. *Sole Source* -- The awarding of a contract compliant with one or more of the following:

1. Only a single source exists that meets the requirements.
 2. The compatibility of equipment, accessories, and/or replacement parts are the paramount consideration.
 3. A sole supplier item is needed for trial use or testing.
 4. Certain public utility services are to be procured and only one source exists; and/or in the case of instructional related needs, the staff has determined to the satisfaction of the Chief Financial Officer that it would be impractical to seek or utilize another source.
- O. *Solicitation* -- A procurement document, such as a Request for Proposal (RFP) that outlines the process and selection criteria to obtain goods and/or services to be delivered or completed, that is advertised to the general public.
- P. *Solicitation Threshold* -- The dollar amount that if equaled or exceeded, requires a solicitation.
- Q. *Supplier* -- A person or entity providing goods and/or services.

IV. POLICY ELEMENTS

- A. Provisions of this policy apply to all funds, including but not limited to, capital constructions, school activity funds, and grants.
- B. Contracts and other purchasing activities will be in accordance with MD. CODE ANN., EDUC. § 5-112, this policy, and associated regulation and/or procedures as outlined in the Financial Reporting Manual for Maryland Public Schools.
- C. The solicitation threshold that prompts a formal procurement shall be \$25,000 **per vendor invoice**.
- D. QACPS will participate in purchasing cooperatives when economically advantageous.
- E. Procurement of goods with a value over the solicitation threshold, except those items identified as exceptions in MD. CODE ANN., EDUC. § 5-112, requires a solicitation or associated with an Intergovernmental Cooperative Purchasing Agreement (ICPA).
- F. The Board and Superintendent/designee will approve all contracts above the solicitation threshold.
- G. The Board reserves the right to reject any and all responses and/or items.
- H. The Board reserves the right to waive certain specifications and/or specific items whenever doing so is in the best interest of QACPS.
- I. For contracts below the solicitation threshold:
 - 1. Approval of all contracts for QACPS appropriated funds will be made by the Superintendent/designee.
 - 2. Approval of all contracts using school activity funds as the funding source with an aggregate value of \$2,500 or less will be made by the school's principal.
- J. Procurement methods for the solicitation threshold levels outlined in this policy will be established by the QACPS Finance Office.
- K. Proper execution of contracts, including contract review, management, and storage will be performed by the Finance Office.
 - L. The Finance Office will provide training and other professional development opportunities to prepare employees in the proper administration of contracts.
- M. Contracts not established in compliance with MD. CODE ANN., EDUC. § 5-112 and this policy will be considered void.
- N. The Finance Office will encourage the participation of locally-owned businesses as well as minority business enterprise participation in all procurement activities as referenced in MD. CODE ANN., STATE FIN. & PROC. §14-301
- O. The procurement of environmentally friendly and/or sustainable goods and/or services will be in accordance with Maryland laws, including Md. CODE ANN., EDUC. § 5-112.

P. Exemptions from the competitive procurement process include, without limitation, the following:

1. A contract amount for goods/services less than \$15,000;
2. Purchases in which the need for goods/services complies with the definition of Sole Source or Emergency Procurement;
3. Instructional Contracted Services where the fiscal year cumulative sum is less than \$75,000;
4. Tuition and services for non-public student placements;
5. Procurements related to legal services, when determined it serves the best interest of the Board; and/or
6. Procurements in which QACPS can be a party to an existing cooperative purchasing agreement where goods and commodities acquired through the purchasing cooperative follow public bidding procedures as described in MD. CODE ANN., STATE FIN. & PROC. ARTICLE §14-301.

Q. Contracts with software providers, online services, and mobile applications will comply with federal, state, and local student data privacy protections, including those provisions identified in MD. CODE ANN., EDUC. § 4-131 and established QACPS policies.

V. IMPLEMENTATION

The Board directs the Superintendent to implement this policy.

VI. POLICY REVIEW

The Finance Office will review this policy annually for compliance with existing state procurement laws. At a minimum, the Superintendent will provide the Board of Education a review of this policy by January 2024.

VII. SPECIFIC REFERENCES TO TITLES, DEPARTMENTS, OR LAWS

- A. MD. CODE ANN., EDUC. § 4-131, Student Data Privacy
- B. MD. CODE ANN., EDUC. § 5-112, Bids
- C. MD. CODE ANN., STATE FIN. & PROC. §13-109, Small Procurement
- D. MD. CODE ANN., STATE FIN. & PROC. §14-301, Legislative Findings

VIII. EFFECTIVE DATE

Date:

 Patricia W. Saelens, Ed.D.
 Superintendent, Queen Anne’s County Public Schools

HISTORY:

Initial Adoption	12/05/2019	Revised	--/--/----	Reviewed	--/--/----	Next Review	--/--/----
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