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## **FOREWORD**

The purchasing, procuring, receiving, storing, and distribution of necessary items of supplies and equipment for use in the educational program of a school system in conjunction with the maintenance and operation of the system's school buildings all represent a very sizeable expenditure of money and involve a substantial percentage of the school budget. Consequently, it is necessary that basic policies and procedures be established to serve as guidelines in this area of responsibility.

In government, the purchasing function has become so important that the centralization of responsibility in a purchasing agent is now officially recognized and authorized. Like his counterpart in industry, the purchasing agent for a school system should be the coordinator for all procurement and should represent his board of education in all dealings with vendors. To a greater extent than the buyer for private industry, the school purchasing agent is governed by federal and state laws and school board regulations which tend to restrict his operations and actions; however, in most instances, these restrictions help the purchasing agent to maintain a reputation for fairness in his relationships with vendors.

The purchasing agent has two major and sometimes conflicting responsibilities. He is responsible to the various schools and departments for procuring the necessary items of supplies and equipment when they are needed and, at the same time, he has a responsibility to the taxpayers for purchasing the approved items at the best possible value and for providing adequate records to show that this was done. It will aid the purchasing operation if teachers, principals, and other administrators understand that upon the purchasing agent rests the obligation to assure open competition and to maintain adequate accounting records. However, the purchasing agent must never forget the importance to the educational process of obtaining the right supplies at the right time. In order to best serve the most important end product, the student, purchasing is the support service for the teacher, principal, custodian, secretary and other individuals who use their services to provide for the education of the student. For an efficient operation there simply must be close cooperation between the purchasing agent and the using department, school or person.

This policy manual has been prepared primarily for the guidance of the administrative personnel responsible for purchase and supply; however, it is felt the information and guidelines contained in the document will be of value to all schools and departments served by the purchasing department.

## **PURCHASING GOALS AND OBJECTIVES**

The Purchasing Agent performs the following primary functions:

1. Becomes familiar with the products and services commonly used by the school system.
2. Studies price trends and market conditions; keeps informed of sources of supply and new product developments.
3. Studies the Louisiana Public Bid Law relative to the proper acquisition of goods and services. Determines that all purchases are in accordance with the bid law.
4. Contacts vendors relative to supply and equipment availability, purchase orders, and contracts.
5. Assists the warehouse personnel in keeping records for the shipping and receiving for the School System.
6. Purchases all goods, services, and equipment used in the school system upon receipt of properly approved requisitions.
7. Monitors purchase requisitions to insure correctness of data.
8. Maintain an accurate and up to date system of records and files.
9. Assists in conducting the sale of salvage or surplus of equipment by auction.
10. Prepares bid documents, including notice to bidders, instruction to bidders, specifications, and forms based on School Board Policy.
11. Tabulates bids and prepares recommendations for presentation at Board Meetings.
12. Interviews salesmen and/or vendors.
13. Strives to maintain up to date files of responsible bidders to assure the Board gets the best price available on the desired product, consistent with quality and service.
14. Makes every effort to obtain the highest quality items for the lowest prices.

## **MISSION STATEMENT**

The mission of the Tangipahoa Parish School System's Purchasing Department is to support the educational process by obtaining quality materials and services in a timely and cost-effective manner. This involves creating a setting where the department would utilize the most effective and innovative methods for procuring quality goods and services. Responsibilities include providing the school system with policies and procedures that foster an ethical, responsive and efficient environment and recognizing the department's obligations to suppliers and internal customers. The Tangipahoa Parish School System Purchasing Department is committed to the highest standard of service and continuously strives for improvement in all areas of procurement practices.

## **CODE OF ETHICS**

The school system recognizes the importance of codifying and making known to the profession and to the general public the ethical principles that guide the practices of the purchasing agent. Ethical dilemmas occur when values are in conflict. The Code of Ethics states the values to which the purchasing agent is committed, and embodies the ethical responsibilities of procurement profession. The principles of this Code are expressed in broad statements to guide ethical decision making.

- Strive to be governed by the highest ideals of honor and integrity in all public and personal relationships in order to merit the respect and inspire the confidence of the school system and the public served.
- Value the dignity and worth of the services rendered and the social responsibilities assumed as a trusted public servant.
- Give first consideration to the interests of the school system and the betterment of its educational program by obtaining the greatest value from every tax dollar expended.
- Conduct business with all potential and current suppliers in an atmosphere of good faith, devoid of intentional misrepresentation.
- Abstain from personal aggrandizement or personal profit that may be obtained through misuse of public or personal relationships.
- Keep the governmental organization informed, through appropriate channels, on problems and progress of applicable operations by emphasizing the importance of the facts.

- Refuse to accept gifts, gratuities or other things of value from suppliers, which might influence or appear to influence purchasing decisions.
- Commit to the highest standard of service and continuously strive for improvement in all areas of procurement practices.

## **ORDERING PROCEDURES**

The Tangipahoa Parish School System shall require, in accordance with sound principles of financial accounting, appropriate steps to follow in obtaining items purchased in the name of the Board. All such purchases must follow these guidelines in order to be considered by the Administrative staff:

1. Determine Needs – Check with your immediate supervisor to determine if the needed items can be supplied through existing inventory within your facility.
2. Determine Funding Authority – If this item is not available within your facility check with your immediate supervisor to determine if funding is available in the current budget. If funding is not available through the current Annual Operating Budget you should put your request in writing. Please include a cost estimate and the justification or purpose of the request.
3. Submit Requisition – If purchase requested is from a new vendor, a completed vendor setup form along with a W-9 is required.
4. Processing Requisition – The purchasing agent will analyze the requisition and take one of four steps:
  - (1) Issue a purchase order outright
  - (2) Obtain informal quotes before issuing a purchase order
  - (3) Buy off of state contract
  - (4) Obtain formal sealed bids
5. Issuing Purchase Orders – Once the requisition has been processed and/or bids have been approved, the purchase order is sent to the vendor and a copy is forwarded to the originator who made the request.
6. Receive Merchandise – All supplies and equipment will be delivered to the location that was listed on the requisition. When the item(s) is delivered, the recipient is to inform the appropriate designee to go into MUNIS PO Receiving and receive the items in MUNIS. Equipment that individually costs \$5,000 or more will go through the inventorying process for administrative purposes.
7. Payment of Purchases – After merchandise is received and inspected, the invoices will be processed for payment. Invoices must be forwarded to the accounts payable department.

## **GENERAL GUIDELINES FOR PURCHASING**

### **The Purchasing Agent:**

The Purchasing Agent is responsible to oversee the various purchases made involving the School Board's funds. He will provide for compliance with Board Policy, state bid law, and all other applicable provisions of state and federal law governing the School Board's purchasing and contracting. The Purchasing Agent reports to the Administrative Director of Finance/Support.

### **The Purchase Order:**

The Tangipahoa Parish School System purchase order is the seller's authority to ship and invoice for the goods specified on the order. The purchase order is a legal document and when the order is written as an acceptance of an offer, a contractual relationship is established. The order is not an offer, but the acceptance of an offer.

The purchase order is the most important of the purchasing forms. While it is unnecessary to employ intricate legal phrasing in the text of the order, its importance as a legally binding document should not be minimized. It should cover definitely and precisely the essential elements of the purchase in such a manner as to preclude future misunderstandings which are invariably costly.

Important elements of the purchase order are:

1. Purchase order number
2. Date printed
3. Name and address of vendor
4. Vendor number
5. Delivery address
6. Quantity of items being ordered
7. Unit price
8. Extended total
9. Sum total
10. Accounting fund and account number
11. Account number of vendor (if applicable)
12. Signature of purchasing agent

### Authority To Issue Orders:

Regulations regarding the issuance of purchase orders are as follows:

1. The school board must approve all formal bids.
2. The purchasing department has the authority to issue orders under circumstances other than those specifically requiring board approval. Documented quotes may be used to secure goods that are not formally bid.

## **PURCHASING**

All purchasing for the school district to be paid from School Board funds shall be made by the Superintendent or designee in conformance with existing regulations and procedures of the Tangipahoa School Board and the laws pertinent to state and federal agencies. Budget allocations for specific purposes shall constitute advance School Board approval for all purchases except in such cases as state law or School Board policy may require. No debt shall be contracted in the name of the Tangipahoa Parish School Board without action by the School Board, except those items which are provided for in the regular budget. Purchases shall be made at the lowest possible cost to the school system consistent with the system specifications of quality and service.

All purchase orders shall be properly signed by the Superintendent or his/her designee. Designees shall be recommended to the School Board by the Superintendent and approved by the School Board before assuming this duty.

Each principal shall assure that purchases by the individual school shall be made in accordance with administrative regulations and procedures developed by the Superintendent and staff and the laws pertinent to state and federal agencies.

No employee, officer or agent of the School Board shall participate in the selection, award, or administration of a contract or purchase of supplies, materials and equipment if a conflict of interest, real or apparent, would be involved. School Board employees shall neither solicit nor accept gratuities, favors or anything of monetary value from contractors, potential contractors, or parties to sub agreements. All purchasing shall comply with the U.S. Department of Education Department *General Administrative Regulations* (EDGAR), the *Louisiana Public Bid Law*, the *Louisiana Code of Governmental Ethics*, the *Louisiana Procurement Code*, and applicable state or federal regulations, as applicable.

PROCUREMENT METHOD

Depending on the funding source and purchase amount, the following procurement methods shall be used:

<b>Procurement Methods</b>	<b>Federal Requirement Uniform Grants Guidance Section 200.320</b>	<b>State Requirement Title 38 La. Bid Law R.S. 38:2212.1</b>	<b>State Requirement Title 39 La. Procurement Code R. S. 39:1551-1736</b>	<b>Action required</b>
<b>Micro Purchases</b> (new method)	Purchases less than \$3,500 per Federal Acquisition Regulations at 48 CFR 2.101**  No competitive process required.	Purchases less than \$1,000  No competitive process required.	Purchases less than \$5,000  No competitive process required.	<b>Title 38</b> - Follow more restrictive state requirement. <b>Title 39</b> - Follow more restrictive federal requirement.
<b>Small Purchases</b> (informal)	\$3,500 - \$150,000  Price or rate quotation from adequate number of qualified sources.	\$1,000 - \$10,000  3 or more quotes suggested but not required.	Purchases less than \$5,000  No competitive process required.	<b>Title 38</b> - Follow more restrictive state requirement. <b>Title 39</b> - Follow more restrictive federal requirement.
		\$10,000 - \$30,000  Solicit 3 or more quotes.	\$5,000 - \$15,000  Solicit 3 or more quotes.	<b>Title 38 and Title 39</b> Align with federal requirement.
			\$15,000 - \$25,000  Solicit 5 or more quotes.	<b>Title 39</b> - Follow more restrictive state requirement.
<b>Sealed Bids</b> (formal advertising)	Exceeding \$150,000  Publicly bid and award to lowest responsible bidder.	Materials and Supplies Exceeding \$30,000  Public Works Exceeding \$152,400  Publicly bid and award to lowest responsible bidder.	Exceeding \$25,000  Refer to LA Procurement Code (R.S. 39:1551-1736)	<b>Title 38</b> - Follow more restrictive state requirements for materials and supplies; use more restrictive federal requirements for public works. <b>Title 39</b> - Follow more restrictive state requirements.
<b>Competitive Proposals</b>	Exceeding \$150,000  Request for Proposal from adequate number of sources; must have written method for selecting recipients.	Materials and Supplies Exceeding \$30,000  Public Works Exceeding \$152,400  Publicly bid and award to lowest	Exceeding \$25,000  Refer to LA Procurement Code (R.S. 39:1551-1736)	Follow more restrictive state requirements.

		responsible bidder.		
<b>Noncompetitive Proposals – Sole Source Purchases</b>	Sole source purchases are appropriate only under the circumstances listed below. These circumstances must be adequately documented.			
	<ol style="list-style-type: none"> <li>1. The item procured is only available from a single source;</li> <li>2. The purchase is in response to a public emergency that will not permit a delay resulting from the competitive process;</li> <li>3. The purchase is expressly authorized by awarding or pass-through agency in response from the School Board; or</li> <li>4. After soliciting a number of sources competition is deemed inadequate. Process must be adequately documented.</li> </ol>			
<b>Note:</b>	** Refer to <a href="#">48 CFR Subpart 2.101</a> to identify the current micro-purchase threshold designated by the Federal Acquisition Regulations (FAR) which is subject to adjustment due to inflation.			

The School Board may choose by resolution to adopt the *Louisiana Procurement Code* in part or in its entirety. The School Board may also purchase from vendors with state contracts that have been pre-approved by the *Office of State Procurement (OSP)*.

### USE OF FEDERAL FUNDS

Procurement of materials and supplies made when using federally generated funds shall follow the appropriate procurement method as summarized in the above chart.

### Solicitations from Small and Minority Businesses, Women’s Business Enterprises, and Labor Surplus Area Firms

When spending federal funds, the Tangipahoa Parish School Board shall take all necessary affirmative steps to assure that minority businesses, women’s business enterprises, and labor surplus area firms are used when possible. Affirmative steps shall include:

1. Placing qualified small and minority businesses and women’s business enterprises on solicitation lists;
2. Assuring that small and minority businesses, and women’s business enterprises are solicited whenever they are potential sources;
3. Dividing total requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation by small and minority businesses and women’s business enterprises;
4. Establishing delivery schedules, where the requirement permits, which encourage participation by small and minority businesses and women’s business enterprises;
5. Using the services and assistance, as appropriate, of such organizations as the Louisiana Economic Development Agency, and Small Business Administration and the Minority Business Development Agency of the United States Department of Commerce; and
6. Requiring the prime contractor, if subcontracts are to be let, to take the affirmative steps listed in paragraphs 1 through 5 of this section.

### Exclusion or Rejection of Quotes or Bids

A contract award or a purchase made with federal funds shall not be made to parties listed on the government-wide exclusions in the *System for Award Management* maintained by the U.S. Government, which contains the names of parties debarred, suspended, or otherwise excluded by agencies, as well as parties declared ineligible under statutory or regulatory authority.

### USE OF STATE FUNDS

Procurement of materials and supplies when using state or locally generated funds shall follow the procurement method as summarized in the above chart. As noted in the chart, the procurement method may be dependent on whether the School Board has adopted the provisions of Title 38 or Title 39 of the Louisiana Statutes as it pertains to the actual purchase.

### Financing Purchases

The School Board may finance the purchase of equipment or other movable property to be used by the School Board by entering into an installment sale, lease, or similar agreement with any lender or other person. Such agreement shall be subject to approval of the State Bond Commission in accordance with statutory provisions. No individual school or employee shall obligate the School Board without proper school system personnel knowledge and approval.

### Use of State Contract

If equipment, materials or supplies are available from a State of Louisiana Contract, the Superintendent and/or his/her designee may approve the purchase without using one of the purchasing procedures outlined in statutory provisions, if advantageous to the School Board.

The School Board may also *piggyback*, or purchase materials and supplies on valid contracts of other political subdivisions. In doing so, the School Board shall obtain documentation from the other agency that clearly demonstrates the contract was previously bid and is a viable contract. The price paid by the School Board shall be the same as the contract's bid price.

### Louisiana Procurement Code

State law authorizes School Boards to adopt all or any part of the *Louisiana Procurement Code* as contained in state statutes (La. Rev. Stat. Ann. §§39:1551-39:1755). For proper and efficient operations, the Tangipahoa Parish School Board may adopt, by resolution or otherwise, pertinent provisions of the *Louisiana Procurement Code*, accompanying administrative regulations as promulgated in the *Louisiana Procurement Code*, as well as guidelines and policies issued by the state's Office of State Purchasing relevant to the procurement of materials, supplies, merchandise, and other types of property.

### Sole Source Provider

The School Board may award a contract for the purchase of supplies, services, or major repairs without competition when the Superintendent or designated employee has determined, in writing, that there is only one source for the supply, service, or major repair item(s) to be acquired. Pertinent procedures for purchasing such items from a sole source shall be as outlined in the State of Louisiana Office of State Purchasing's *Purchasing Rules and Regulations*.

### Qualified Group Purchasing Organizations

A *qualified group purchasing organization* means an organization, whether for profit or not for profit, of which two (2) or more public school districts are members and which solicits proposals or bids from vendors of services, materials, equipment, or supplies of the type and nature as may be purchased by a public school district or public school.

The School Board may enter into an agreement with: (A) one or more School Boards to form a qualified group purchasing organization; or (B) one or more qualified group purchasing organizations for the purchase of services, materials, equipment, and supplies, including installation thereof. Any such agreement shall require that the qualified group purchasing organization submit a price list for those materials and supplies offered by it and that the prices quoted on the list remain in effect for a stated period of time of not less than three (3) months. Any such price list shall be considered, for all purposes, to be a valid and binding bid by the qualified group purchasing organization during the effective period of the agreement, and no additional bid by the qualified group purchasing organization is necessary.

The School Board may purchase equipment from a qualified group purchasing organization if the price for such equipment is less than that for the same or substantially similar equipment on the state bid list.

### Competitive Online Solicitation

The School Board may use a *reverse auction* or *competitive online solicitation process* on the Internet for the purchase of equipment, supplies, and other materials in lieu of the more formal bid process when the School Board's procurement officer determines that the electronic bidding is more advantageous and in the best interests of the School Board.

Prior to the use of a competitive online solicitation process, the School Board may require that:

1. Vendors register before opening dates and time, and as part of the registration, require that the vendors agree to any terms and conditions and other requirements of the solicitation.
2. Vendors be prequalified prior to placing bids and allow only bidders who are prequalified to submit bids.

3. The solicitation shall designate an opening date and time and the closing date and time. The closing date and time may be fixed or remain open depending on the structure of the item being bid.
4. At the opening date and time, the School Board shall begin accepting online bids and continue accepting bids until the bidding is officially closed. Registered bidders shall be allowed to lower the price of their bid below the lowest bid posted on the Internet until the closing date and time.
5. Bidders' identities shall not be revealed during the bidding process; only the successively lower prices, ranks, scores, and related bid details shall be revealed.
6. All bids shall be posted electronically and updated on a real-time basis.
7. The School Board shall retain the right to cancel the solicitation if it determines that it is in the School Board's best interest.
8. The School Board shall retain its existing authority to determine the criteria that will be used as a basis for making awards.

Adequate public notice for purchases using a reverse auction or competitive online solicitation process shall be given as follows:

1. The advertisement or notice shall be published two (2) times in a newspaper in the locality, the first advertisement to appear at least fifteen (15) days before the opening date of the reverse auction. In addition to the newspaper advertisement, the School Board may also publish an advertisement by electronic media available to the general public.
2. The first publication of the advertisement shall not occur on a Saturday, Sunday, or legal holiday.

## PREFERENCES

Because a large portion of revenues generated for the operation of the School Board are derived through local taxation of businesses and industry in Tangipahoa Parish, to the extent possible, when using state and local funds, all local merchants shall be given fair and equal opportunities regarding School Board purchases. Purchases shall be made at the lowest possible cost to the school district consistent with the system specifications of quality and service.

## VENDORS

The School Board shall seek business and bids from all eligible vendors, regardless of race, creed, color, sex, national origin, age or disability. No favoritism shall be extended to any vendor. Each order shall be placed on the basis of quality, price and delivery; past services being a factor if all other considerations are equal.

No person officially connected with or employed by the School Board shall be an agent for, or have any pecuniary or beneficial interest in or receive any compensation or reward

from any vendor for the sale of supplies, materials, equipment, services or public works contracts.

No employee of the School Board shall solicit or accept, directly or indirectly, anything of economic value as a gift or gratuity from any vendor representative or agent of a vendor, or a prospective vendor or contractor.

### ELECTRICAL EQUIPMENT

An electrical assessment shall be performed prior to any electrical equipment being purchased by schools in the Tangipahoa Parish School System.

## **BIDS AND QUOTATIONS**

### PUBLIC WORKS

The Tangipahoa Parish School Board shall advertise and let by contract, except in cases of emergencies as provided below, all public work exceeding \$150,000 or such sum as allowed by law, including labor, materials, equipment, and administrative overhead not to exceed fifteen percent (15%). The contract shall be awarded to the lowest responsible bidder who has bid according to the contract, plans, and specifications advertised. Public works which are estimated to cost less than the contract limit may be undertaken by the School Board with its own employees.

As an evidence of good faith of the bidder, the School Board shall require bidders for construction, improvement, repair, or other work to attach to the bid submitted, a bid bond, certified check, or cashier's check for not more than five percent (5%) of the contract work to be done. The School Board may require a bid bond or certified or cashier's check of not more than five percent (5%) of the estimated price on bids taken for supplies and materials.

When any bid is accepted for construction or doing any public works, a written contract shall be entered into by the successful bidder and the School Board, and the successful bidder shall furnish a *performance and payment bond* in the full amount of the contract for contracts of \$50,000 or more, for the faithful performance of his or her duties, from a company licensed to do business in Louisiana.

When using state or locally generated funds, under no circumstances shall there be a division or separation of any public work project into smaller projects, which division or separation would have the effect of avoiding the requirement that public work be advertised and let by contract to the lowest responsible bidder in accordance with statutory provisions.

The School Board shall retain the option of requiring all bids that are let out for public works be submitted electronically.

## MATERIALS AND SUPPLIES

All purchases of materials or supplies exceeding the sum of \$30,000 to be paid out of public funds shall be advertised and let by contract to the lowest responsible bidder who has bid according to the specifications as advertised. In addition, purchases of materials or supplies of at least \$10,000, but not more than \$30,000, shall be made by obtaining not less than three (3) documented quotations. A written confirmation of the accepted offer shall be obtained and made a part of the purchase file. The School Board may require a written contract or bond when purchasing the materials or supplies. If quotations are received that are lower than the quote accepted, a notation shall be entered into the file as to the reasons for rejection of the lower quotes.

When using state or locally generated funds, purchases cannot be divided by departments or by a school if the effect is to evade the state's public bid law. Purchases of commodities that are bought in small but recurring amounts through the year shall be bid on an annual basis.

The School Board shall retain the option of requiring all bids that are let out for materials and supplies be submitted electronically.

In lieu of formal bids, the School Board may use a *reverse auction* or *competitive online solicitation process* for the purchase of equipment, supplies, and other materials, as outlined in policy [DJE, Purchasing](#).

## EMERGENCIES

In cases of an emergency or extreme emergency when time is not sufficient to advertise for bids for public works or purchase of materials, the School Board or designee is permitted by law to declare through resolution that a public emergency or extreme public emergency exists and extend a contract for more than the sums mentioned without going out to bid. However, in such cases every effort shall be made by School Board personnel to secure competitive quotations. The accepted quote shall be confirmed and documented in writing. State law permits a person designated by the School Board to declare the existence of an *extreme public emergency*. This designated person shall be the Superintendent and/or his/her designee. Notices of an *emergency* or *extreme emergency* shall be published in the School Board's official journal within ten (10) days of the emergency being certified by the School Board or designee.

An *emergency* is defined by La. Rev. Stat. Ann. [§38:2211](#) as

"An unforeseen mischance bringing with it destruction or injury of life or property or the imminent threat of such destruction or injury or as the result of an order from any judicial body to take any immediate action which requires construction or repairs absent compliance with the formalities of this Part, where the mischance or court order will not admit of the delay incident to advertising as provided in this Part."

An *extreme public emergency* is defined by La. Rev. Stat. Ann. [§38:2211](#) as

"A catastrophic event which causes the loss of ability to obtain a quorum of the members necessary to certify the emergency prior to making the expenditure to

acquire materials or supplies or to make repairs necessary for the protection of life, property, or continued function of the public entity.”

### BID ADVERTISEMENTS

All advertisements for bids for public works shall appear in the newspaper selected as the official journal for the School Board, except in emergencies as may be declared by the School Board. Any advertisement for any contract for public works, when published, shall appear once a week for three (3) different weeks in a newspaper in the locality and the first advertisement shall appear at least twenty-five (25) days before the opening of bids. Any advertisement for any contract or purchase of materials or supplies shall be published two (2) times in a newspaper in the locality, the first advertisement appearing at least fifteen (15) days prior to the opening of bids.

In addition to newspaper advertisements, the School Board shall also publish advertisements and accept bids by electronic media in accordance with uniform standards promulgated by the state. In any advertisement, the first publication shall not occur on a Saturday, Sunday, or legal holiday.

If the School Board issues or causes to be issued on a public work exceeding the contract limit set by state law, any addendum modifying plans and specifications within a period of seven (7) days prior to the advertised time for opening of bids, excluding Saturdays, Sundays, and any other legal holidays, the School Board shall transmit a copy of the addendum to all prime bidders who have requested bid documents. The transmission shall be completed within twenty-four (24) hours of the issuance of the addendum, and may be delivered by either facsimile transmission (fax), e-mail, other electronic means, or by hand provided the prime bidder has supplied the fax number or e-mail address to the School Board. In addition, a copy of the addendum shall be sent by regular mail. If the addendum cannot be transmitted by fax, e-mail, other electronic means, or hand delivered, the School Board shall be required to postpone the bid opening by at least seven (7) days.

The School Board shall not issue or cause to be issued any addendum modifying plans and specifications within a period of seventy-two (72) hours prior to the advertised time for the opening of bids, excluding Saturdays, Sundays, and any other legal holidays; however, if the necessity arises to issue an addendum modifying plans and specifications within the seventy-two hour period prior to the advertised time for the opening of bids, then the opening of bids shall be extended at least seven (7), but not more than twenty-one (21) working days, without the requirement of re-advertising. The addendum shall state the revised time and date for the opening of bids.

### OPENING OF BIDS

All bids shall be opened in public in the presence of one or more witnesses, at the time and place designated in the invitation for bids. Each bid, together with the name of the bidder, shall be recorded and open to public inspection. However, the School Board shall not accept or take any bids including receiving any hand delivered bids, on days which are recognized as holidays by the United States Postal Service.

## BID AWARD

In order to protect the integrity of the competitive bidding process, the determination of responsiveness by the bidder must be made from the bid documents at the time of the bid opening. Any deviation from that which is required by the bid solicitation, or failure to supply required information or fill in the line items on the bid schedule, may result in the bid being rejected as *non-responsive*.

The Superintendent and/or other appropriate administrators shall review, summarize and report bids to the School Board with recommendations for bid award unless the School Board grants permission for staff to evaluate, award, and notify the School Board at a later date.

## DISQUALIFICATION OF BIDDER

If the School Board proposes to disqualify any bidder for *non-responsiveness*, the School Board shall give written notice of the proposed disqualification to such bidder and include in the written notice all reasons for the proposed disqualification.

If the School Board proposes to disqualify any bidder for *non-responsibility* (the possibility that the bidder may not satisfactorily fulfill the contract being bid), the School Board shall:

1. Give written notice of the proposed disqualification to such bidder, and include in the written notice all reasons for the proposed disqualification;
2. Give such bidder, who is proposed to be disqualified, the opportunity to be heard at an informal hearing at which such bidder is afforded the opportunity to refute the reasons for the disqualification; and
3. Conduct the informal hearing prior to the award of the public work.

No award of the contract for the public work shall be made by the School Board prior to the expiration of at least five (5) working days following the date of issuance of the written ruling from the informal hearing.

## EXCLUSION/REJECTION OF BIDS

The School Board, after the opening of bids, shall require each bidder or bidding entity to attest or submit an attestation that the sole proprietor, partner, incorporator, director, manager, officer, or other like individual who owns at least ten percent (10%) of the bidding entity, has not been convicted of, or has not entered a plea of guilty or nolo contendere (no contest) to any of the crimes or equivalent federal crimes listed in La. Rev. Stat. Ann. §38:2227.

In awarding bids or contracts, the School Board shall be authorized to reject the lowest bid from a business in which any individual with ownership interest of five percent (5%) or more has been convicted of, pled guilty or nolo contendere to any a state felony crime or equivalent federal crime committed in the solicitation or execution of a contract or bid under the state laws governing public contracts; professional, personal, consulting, and social services procurement; or the Louisiana Procurement Code.

Any contract between the School Board and a person or entity entered into as a result of fraud, bribery, corruption, or other criminal acts, for which a final conviction has been obtained, shall be null and void.

Any person whose conviction causes the nullity of a contract shall be responsible for payment of all costs, attorney fees, and damages incurred in the rebidding of the contract.

Public Bid Law Application:

The Louisiana Public Bid Law, Louisiana Revised Statutes, Title 38, Chapter 10, applies to public works and to purchases of materials, supplies and vehicles, as stated above.

The law does not apply to the following:

- Leases of movable property
- Professional services
- Insurance contracts
- Leases or purchases of real estate

Bids are public records and are subject to inspection and copying; however, the purchasing agent should take precautions to avoid tampering. No comment should be made at the bid opening regarding the low bid or about award. The purchasing agent may state that the bids will be taken under advisement and a recommendation will be made to the School Board.

When a purchase is to be made, the purchasing agent strives and is obligated to select the best bid in the interest of the school system. The lowest and best bid is the lowest bid meeting specifications. Should, for any reason, the lowest bid not meet specifications or acceptance, the next acceptable bid is taken. When the best bid is not the lowest received, the purchasing department requests justification. The justification may be requested in writing from the using department giving complete details on why the low bid should be waived. On orders requiring approval of the Board, the justification is included in the Board report. Each bid is carefully analyzed as to:

1. Quality
2. Price
3. Delivery

## Bid Specifications:

Quality is just as important as price, and it is the duty of the purchasing department working in conjunction with the using department to secure the best quality for the purpose intended. Quality buying is defined as the purchase of goods, supplies, materials, equipment, or services that will fulfill but not exceed the requirements for the purpose intended.

Proper specifications aid in obtaining proper quality. The purchasing agent must work closely with the using departments in writing adequate specifications for large purchases and updating current specifications. Bid specifications, briefly defined, are an accurate description of the material to be purchased. Specifications must be:

1. Simple, clear, and concise.
2. Thorough enough to discourage the bidding of materials not consistent with the quality requested.
3. Capable of being checked. If a specification cannot be checked, it is of little value.
4. Capable of being met by several bidders unless there is only one supplier (sole source). "Sole Source" letters are secured from vendors as verification in such an event.
5. As fair to the vendors as possible.

Specification may use a brand name and model number to indicate general quality and character of product sought, but must also clearly state that products of similar quality and character will be acceptable (brand name or approved equal).

Certain commodities such as gasoline may require the use of an index price to establish a price that adjusts with market conditions. Competition between bidders is based solely on the "margin over index price" which the bidder offers.

Specifications can call for no more than three alternates and when making an award, alternates must be accepted in the order that they are listed in the solicitation unless doing otherwise has no impact of the award.

Contracts for materials, supplies, or equipment, which will be needed in partial deliveries through the fiscal year, may be purchased through a "requirements contract" based on the total value of that commodity to be purchased during the fiscal year. These pertain to acquisitions such as office supplies, sand, gravel, gasoline, tires, auto parts and all commodities needed in small but recurring quantities during the fiscal year.

"Cost plus" contract arrangements cannot generally be used in public procurement.

### List Of Bidders:

After sufficient specifications have been developed by the user and the purchasing department, quotations may be secured. It is the responsibility of the purchasing department to maintain active and up-to-date files on vendors wishing to participate in the bidding and to send interested bidders invitations to quote. Purchasing must also comply with the Louisiana Public Bid Law as stated above.

The purchasing agent and his staff are expected to encourage competitive bidding by extending a courteous reception to interested parties, giving equal brands fair consideration and seeking competitive sources of supply.

### Request For Proposals:

Professional services, telecommunications, data processing equipment, software, and equipment leases may be acquired by means of a Request for Proposals (RFP). An RFP may give greater flexibility in making an award since the proposers may be graded on a variety of criteria. The criteria in an RFP may be set forth and weighted in the process of evaluating proposals. Prospective proposers should be informed in advance of the criteria to be utilized and the weight assigned to each criterion.

The purchasing agent or his designee shall recommend to the School Board an award to the responsible vendor whose proposal is determined in writing to be the most advantageous, taking into consideration the price and other evaluation factors set forth in the Request for Proposals.

### Late Bids:

All formal invitations to bid must specify a specific date and time for the public opening of the bid. Each vendor has the responsibility for seeing that his bid arrives in time.

Bids may be hand delivered, and a receipt obtained, or mailed certified, return receipt. Any bid not delivered on time or mailed uncertified is returned unopened.

### Sole Source Items:

Certain software, testing materials, instructional materials are "Sole Source" items than can only be obtained from one vendor. These items do not have to be bid. The purchasing agent should secure "Sole Source" letters from the vendors as verification and these are kept on file as part of the purchase order documentation.

### Louisiana Preference:

Preferences for purchases of certain materials, supplies, and provisions, produced, grown, manufactured or processed in Louisiana are entitled to a mandatory 10% price preference over products produced elsewhere. There is no preference for a Louisiana vendor, only for Louisiana produced products. Also, the preference does not apply to any school food service purchases.

There is no preference in contracts for public works, only a retaliatory preference: if the state of the out of state low bidder has a preference for its contractors, then the same preference for Louisiana contractors will be given when bids include those out of state contractors here.

For all other products purchased, the School Board may choose to allow a bidder offering a Louisiana product and whose price is within 10% of the low bid to receive the award if the bidder is willing to sell at the low bid price.

The Public Bid Law does not allow local preferences for purchases of equipment and supplies (this includes any purchase of materials and supplies of over \$10,000). However, in keeping with the belief that local businesses help to support our school system, the Board may allow a local preference of 5% for purchases of goods amounting to less than \$10,000. The only exception regarding local preferences is for purchases by school food service, since the U S Department of Agriculture prohibits any preferences.

### Mistakes In Bidding:

Prior to the opening of any bid, the vendor retains the right to withdraw his bid for any reason. The bid will be reaccepted any time prior to the stated opening time and date.

If a mistake is discovered after the opening of the bid but prior to acceptance by the board, relief may be provided at the discretion of the purchasing agent. Requests for relief by withdrawal must be made in writing. To qualify for relief the error must be obvious or have been made under other circumstances considered excusable. The purchasing agent then may grant the vendor's written request to withdraw his bid with or without prejudice. Further, simple and very obvious mathematical errors such as improper placement of a decimal or transposition of numbers or neglecting to carry forward totals from one bid page to the other can be corrected by the purchasing agent with the bidder's knowledge. The corrections of any errors that cannot be clearly defined or that would in any way cause or appear to cause a questionable award are not permitted.

Only the Board can correct mistakes that are discovered after the Board has already awarded the bid. The vendor must explain his mistake in writing for the Board's consideration at their next regular meeting. Relief may or may not be granted as the Board determines, but such relief, if given, may carry a penalty as provided in the specifications.

Tie Bids:

Tie bids, quality being equal, are decided in the following manner:

Method of awarding: Flip of Coin.

1. Ties between local bidders.
2. Ties between intrastate bidders – not local.
3. Ties between out-of-state bidders.

Method of awarding: Award to local bidder.

4. Ties between local bidder and out-of-town or out-of-state bidder.

Method of awarding: Award to Louisiana bidder.

5. Ties between Louisiana bidder and out-of-state bidder.

Deposits Of Good Faith (Bid Bond):

On certain bids the purchasing agent may deem it necessary to require deposits of good faith. A bid bond for 5% of the anticipated contract amount is mandatory on all public works solicitations advertised for bid. A bid bond is optional on any solicitation for the purchase of materials and supplies. The invitation to bid specifies the deposit amount. A certified check, cashier's check, money order, or properly executed bond should accompany the bid proposal. Checks should be made payable to the Tangipahoa Parish School System.

Deposits of the bidders are held until the award of the order and/or a contract is made. The deposit of the successful bidder is held until he has completed delivery or services or, if required provided a performance bond.

**RECEIVING AND WAREHOUSING**

Follow-Up And Expediting Of Orders:

Routinely, the accounts payable department handles the follow-up and expediting of purchase orders, with regular assistance from the purchasing department. Depending on the volume of orders outstanding and the nature of the orders, follow-up forms are sent to vendors approximately thirty days after the order is issued.

Although aided by the accounts payable department, the buyer is ultimately responsible for the follow-up and expediting of orders. The buyer immediately handles orders requiring specific delivery dates or orders from companies failing to acknowledge follow-up forms. Purchase order forms should state that orders unfulfilled by the vendor after sixty days will be rendered null and void.

Other areas requiring follow-up by the buyer are as follows:

1. Price discrepancies.
2. Incorrect or substandard items received from the vendor.
3. Coordination of delivery schedules.

#### Receipt of Purchased Items:

Proper receipt of purchased items is just as important as any of the other steps in the purchasing process. Since the purchasing department seldom receives merchandise ordered by its personnel, the department must rely heavily upon the receiver to be fully informed.

Routinely, the accounts payable department handles the follow-up and expediting of purchase orders with regular assistance from the purchasing department. Although aided by the accounts payable clerk, the receiver is ultimately responsible for the follow-up and expediting of orders.

The receiver should follow certain simple steps in checking goods received:

1. Check to see if the shipment has been delivered to the right address.
2. Check the carton externally for evidence of severe damage that may indicate it has been dropped, crushed, etc. If the carton is damaged, it should be brought to the attention of the driver and noted by him on his delivery receipt. Should a container be so damaged that it can easily be determined that the contents are damaged, the purchasing department should be notified at once. Further instructions will be received.
3. Check the contents of the carton against the packing list and the receiver's copy of the purchase order. Any item appearing on the packing list that is not in the carton should be noted on the driver's receipt form in ink as well as on the pink receiving copy of the purchase order.
4. Carefully check the quality of the shipment against quality asked for on the purchase order copy. If there is any doubt as to what should be received, notify the purchasing department at once.
5. Check for price discrepancies.
6. If the order is correct, then receive the items in MUNIS PO Receiving file. If only part of the order is correct, then only receive in MUNIS the items that are correct.

### Warehousing Function:

The purchasing agent is responsible for the warehousing, inventory control, and distribution of instructional and operating supplies. The management of supplies is no less important than buying them.

The school board operates a central warehouse for the receiving and shipping of instructional and janitorial supplies. The advantages for maintaining a warehouse for inventory is as follows:

1. Savings in supply expenditures can be achieved through infrequent, large volume orders.
2. Adequate and continuous supply of needed materials can be assured with a minimum of storage space required in the schools.
3. Adequate inspection of goods can be made on a uniform basis. Such inspection can save the district from losses due to errors in packaging, count, or quality.
4. Sufficient supply inventory records can be maintained to facilitate studies of consumption, standardization, and price trends.
5. Accountability and control over the preservation and use of supplies and equipment can be established.
6. Supplies can be made easily and quickly available to schools and administrative offices.

### Inventory Control:

The purchasing agent delegates authority to the warehouse manager to see that inventory supplies are not subject to loss or administrative mismanagement. The maintenance of adequate records of supplies and equipment available for issue in the central warehouse is a prime requisite of good school business management.

Warehoused items are kept under a perpetual inventory system on computer. Such a system records a continuous tabulation of materials on hand and reflects the current status of receipts and stock issues. This system provides a good stock management device and is particularly well suited to the operation of an active warehouse. Actual physical inventory is taken at least once per year to make adjustments to the perpetual inventory files.

The Tangipahoa Parish School System maintains fixed asset inventory records. A complete master set on inventory records is maintained at the central office. Equipment is tagged and recorded as to type, location, description, fund, vendor, cost, check number, purchase order number, and tag number. School administrators are expected to keep their

records current, with appropriate forms used when equipment is added, moved, or deleted. Fixed asset records are an invaluable tool in providing permanent records of all School System equipment.

#### Disposal of Old Equipment:

A variety of surplus equipment may exist in the schools in which its useful service has expired or its cost of repairs can no longer be justified. The purchasing agent should use discretion when determining one of the following ways of disposing of surplus equipment:

- Trade-in on new equipment
- Bid the sale to the public
- Negotiated sales
- Hold a public auction

The proper disposal of equipment includes accounting for all items removed from school premises. This includes the description, location, date removed, method of disposal, tag number, and signature of supervisor/principal authorizing the disposal. All items should then be removed from the fixed asset accounting records.