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**AURORA PUBLIC SCHOOLS**  
**Adopted December 1978**  
**Revised November 1998**  
**Reviewed October 2007**  
**Revised September 2012**  
**Revised December 2013**

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**APS Code: DJB**

## **PURCHASING GUIDELINES**

Purchases of supplies, materials, equipment and other items or services necessary and appropriate for the operation of the district are authorized to be made by the Superintendent of Schools or designee, after the Board of Education has adopted a budget and appropriated funds.

The district shall obtain competitive quotations or bids whenever possible with the understanding that there are special, unique or emergency items or services which will not always lend themselves to such processes.

Procedures are to be established which assure that purchases are appropriate and that funds are available before purchases are authorized.

District personnel shall not use district bids, purchase orders, manual checks, petty cash, or tax exempt status to obtain materials, equipment or services for their personal benefit. Should there not be mutual agreement between the initiator of the purchase request and the Division of Finance as to the propriety of any purchase request, the matter shall be referred to the Superintendent of Schools.

All purchases, financial commitments and contracts for services, except insurance premiums and approved capital projects of \$750,000 or more shall be approved by the Board of Education. Exceptions may be made by the Superintendent of Schools in cases of emergencies, which shall be reported to the Board no later than its next regular meeting.

When making purchases, consideration will be given to the price as well as other factors such as timely delivery, warrant ability, quality of the product and such other factors as the district in its sole discretion deems appropriate.

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

CROSS REFS.: BCB, Board Member Conflict of Interest  
FEG, Construction Contracts Bidding and Awards

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## **PURCHASING GUIDELINES**

Page 1 of 7

Purchasing requests for materials and services are initiated by the administrator who has the responsibility for budgetary control of the account to be charged. By doing so, the administrator accepts the responsibility that the materials or services are necessary and appropriate for their intended use and that adequate funds are available for the purchase.

Board approval shall be required to receive, acquire, encumber, improve or dispose of real property. Board approval is not needed for the following:

1. Maintenance and replacement of building components;
2. Leases of property for a term less than five years;
3. Licenses;
4. Receipt of property from developers pursuant to Aurora City Code;
5. Easements and Rights of Way.

The Division of Finance has the responsibility for reviewing the availability of funds and the accuracy of the purchase requisition, and may seek further clarification as to the necessity or appropriateness of the material or service. The Division of Finance shall have responsibility for obtaining competitive quotations or bids. Sound business judgment is to be exercised in determining those materials and services which lend themselves to the bidding process. Users may assist in developing specifications and be involved in selections. Cooperative purchasing with other school districts or governmental agencies is encouraged. Particular emphasis is to be placed on quantity purchasing.

Leasing of equipment for school district purposes must meet guidelines for multiyear contracts specified in Section 20, Article 10 of the Colorado State Constitution. Prior to entering into a contract for the lease of equipment for any district use, the request must be reviewed by the District Purchasing Office and approved by the chief financial officer or designee.

The District Purchasing Office and the Division of Finance are available to assist the site administrator when purchasing materials, services, or entering into a contractual agreement.

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**PURCHASING GUIDELINES**

Page 2 of 7

**Purchase Authorization/Contract Execution**

Purchases from any District fund must be approved/authorized in accordance with all District policies and require the following approvals shown in the chart below. (When using a Purchasing Card approvals can be either electronic or hard copy.)

Type	\$ Amount	Preferred method of Purchase	Budget Approval Required By
<b>Purchases of materials, supplies and/or services (no equipment) will be processed as follows:</b>			
Any total purchase (cumulative)	Up to \$5,000	Purchasing Card (P-Card)	Approval from appropriate budget authority such as a principal, director, program manager or designee
Any total purchase (cumulative)	\$5,000 to \$25,000	Purchase Order A different purchasing method may be used if authorized by the superintendent or designee	Approval from appropriate budget authority such as a principal, director, program manager or designee
Any total purchase (cumulative)	\$25,000 to \$750,000	Purchase Order A different purchasing method may be used if authorized by the superintendent or designee	Must be approved by appropriate division chief
Any total purchase (cumulative)	\$750,000 and over	Purchase Order	Must be approved by the board. Refer to Policy DJB.*
<b>Purchases of equipment will be processed as follows:</b>			
Any total purchase (cumulative)	Up to \$500	Purchasing Card (P-Card)	Approval from appropriate budget authority such as a principal, director, program manager or designee
Any total purchase (cumulative)	\$500 to \$25,000	Purchase Order A different purchasing method may be used if authorized by the superintendent or designee	Approval from appropriate budget authority such as a principal, director, program manager or designee
Any total purchase (cumulative)	\$25,000 to \$750,000	Purchase Order A different purchasing method may be used if authorized by the superintendent or designee	Must be approved by appropriate division chief
Any total purchase (cumulative)	\$750,000 and over	Purchase Order	Must be approved by the board. Refer to Policy DJB.*

\*Exception: The above policy excludes insurance premiums and approved capital projects.

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## **PURCHASING GUIDELINES**

Page 3 of 7

### **Exemptions from Purchasing's Review**

All purchases in excess of \$5,000 per transaction must be processed by the Purchasing Office on a purchase order except:

- Conferences
- Travel & Mileage
- Lodging
- Meals
- Speakers
- Subscriptions
- Yearbooks
- Utilities and monthly phone and cell phone expenses
- Memberships
- Camps
- Standardized test materials & scoring
- Postage & Mailing Charge
- Legal Fees
- Independent Contractors' (1099 Vendors) Agreements up to \$10,000
- Insurance Payments

### **Noncompetitive/Sole Source Purchases**

Sole source purchases are characterized as the one and only source, regardless of the marketplace, possessing a unique and singularly available performance capability. The Director of Materials Management or designee is responsible for approval of requests for sole source purchases. Appropriate substantiating documentation is required and may include:

1. That the efficient utilization of existing goods requires the acquisition of compatible goods or services;
2. That the goods or services required for the exchange of software or data with other public or private agencies are available from only one source;

**PURCHASING GUIDELINES**

Page 4 of 7

3. That the goods or services are for use in a pilot or an experimental project; or
4. Other findings that support the conclusion that the goods or services are available from only one source.

Purchases are to be made competitively with the exception of the following:

1. The competitive process will result in higher cost or otherwise adversely affect the District as determined by the Director of Materials Management. The Director of Materials Management shall document the basis for the determination in the purchasing file.
2. The service is a professional service that requires a higher degree of professional skill such as engineering and architectural services, professional management or educational consulting, legal services, medical services, technology services or other services as determined by the Director of Materials Management and the Chief Financial Officer or the Director of Construction Management & Support for capital construction related services.
3. A particular product or service is required to standardize or maintain standardization, reduce financial investment or simplify administration.
4. A particular product or service is required to maintain interchangeability or compatibility as a part of an existing system.
5. Purchases are made in cooperation with federal, state, other local government units, other school districts, the Cooperative Education Purchasing Council, U.S. communities, Western States Contracting Alliance or the Multiple Assembly of Procurement Officials when it is in the best economic interest of the District as determined by the Director of Materials Management.
6. Instructional materials; e.g. textbooks, library books, tests, teaching aids, publications, videos, films or software.
7. The product or service is the subject of an insurance claim or a change order.
8. The product is perishable and the purchase would not encourage favoritism or substantially diminish competition.
9. The product is for resale.
10. Sole source purchases are characterized as the one and only source, regardless of the

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## **PURCHASING GUIDELINES**

Page 5 of 7

marketplace, possessing a unique and singularly available performance capability. The Director of Materials Management or designee is responsible for approval of requests for sole source purchases. Appropriate substantiating documentation is required and may include:

- (a) That the efficient utilization of existing goods requires the acquisition of compatible goods or services;
- (b) That the goods or services required for the exchange of software or data with other public or private agencies are available from only one source;
- (c) That the goods or services are for use in a pilot or an experimental project; or
- (d) Other findings that support the conclusion that the goods or services are available from only one source.

**11. Property (Real Estate)**

**12. Surplus Property**

**13. Advertising agreements**

**14. Purchases less than \$20,000 (Refer to District Regulation DJB-2-2, Solicitation Guidelines)**

**15. The purchase is made pursuant to an existing purchase agreement that has substantially complied with the requirements of the District's Solicitation Guideline Policy, DJB-2-R**

**16. Emergency contracts pursuant to the requirements set forth in this policy**

### **Specific Vendor or Brand Name Purchasing Requests**

When there is a request to purchase a specific product or to use a specific product or to use a specific vendor, the following information is required to justify the purchase:

- 1. Identify the unique features and performance capabilities.**
- 2. If there are other products and/or services available, explain why they are not acceptable.**
- 3. Identify any no cost items to be part of the purchase.**
- 4. Explain any maintenance or technical support issues.**

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## **PURCHASING GUIDELINES**

Page 6 of 7

### **Emergency Purchases**

Emergency situations shall be defined as those instances that may adversely affect the health, welfare or safety of students, employees or the general public, when any delays would place an excessive financial burden on the District, or when delays would cause significant harm to the District. In the case of an emergency requiring the immediate purchase of goods or services, the employee managing the emergency shall have the authority to authorize the purchase of necessary goods or services in the open market regardless of the amount of the purchase.

Follow up for emergencies occurring **during weekday working hours:**

1. Contact and receive approval from the Director of Materials Management or designee.
2. Submit an emergency purchase requisition and written explanation of the emergency to the Purchasing Department.
3. Only minimum quantities should be ordered.
4. Every effort will be made to place emergency orders the same day.

Follow up for emergencies occurring **during periods other than normal working hours:**

1. An emergency purchase may be made directly with the vendor by a school or department.
2. A purchase requisition and a letter of justification explaining the circumstances of the emergency must be delivered to the Purchasing Department during the first working day after the purchase.

### **Unauthorized Purchases**

Unauthorized purchases by school or department staff will not be processed by the Purchasing Department. Individuals who make unauthorized purchases may be held personally responsible for payment and /or subject to disciplinary action.

If it is determined that the District will assume responsibility for the purchase, payment may be processed from either a Purchase Requisition or a voucher with a letter or memorandum to the Director of Materials Management explaining the circumstances of the purchase. It is the

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**PURCHASING GUIDELINES**

Page 7 of 7

responsibility of the principal, department director or designee to approve the unauthorized purchase, if it is in the best interests of the District, and to discuss District policy with the individual.

Either significant or repeated unauthorized purchases will be reported to the Director of Finance.



## **SOLICITATION GUIDELINES**

Page 1 of 4

The Director of Materials Management shall establish bid/proposal terms and conditions that govern all procurement transactions. Unsolicited bids/proposals and bids/proposals from unapproved or non-prequalified vendors shall not be considered unless the Director of Materials Management determines that it is in the best interest of the district to accept such bids/proposals. Purchases made directly from other district departments are exempt from these solicitation guidelines. Note that the source of funds for the purchase may affect the method.

### **Bid/Proposal/Quotation Award Authorization:**

- 1. Requests for Proposal:** The Director of Materials Management or designee must approve all awards.
- 2. Less than \$20,000:** This would be considered a small-dollar purchase that may be awarded at the Purchasing Department buyer's discretion. A competitive process is not required; however, an e-mail or facsimile quote may be deemed appropriate.
- 3. \$20,000 up to \$100,000:** Informal Procurement Procedures.
- 4. Greater than \$100,000:** Formal bid/proposal. The Director of Materials Management or designee must approve all awards.

Certain types of goods and/or services are exempt from competitive solicitation. Those exemptions are set forth in Regulation DJB-1-R, Purchasing Guidelines.

### **Informal Procurement Procedures**

Any procurement of goods or services exceeding \$20,000 but not exceeding \$100,000 may be awarded in accordance with informal procurement procedures. A contract awarded pursuant to these procedures may be amended to exceed \$100,000 only if the amendment is necessary to the fulfillment of the contract and the basis for the need to amend is not reasonably foreseeable at the time of the original award. Amendments with the aggregate total of 10 percent or less of the original contract price will be presumed to be reasonable.

A procurement may not be artificially divided or fragmented so as to qualify for an informal procurement under this section.

When conducting an informal procurement, the purchaser shall seek at least three informally solicited competitive price quotes or competitive proposals from prospective contractors. The

## **SOLICITATION GUIDELINES**

Page 2 of 4

purchaser shall keep a written record of the sources and terms of the quotes or proposals received. If three quotes or proposals are not reasonably available, fewer will suffice, but the purchaser shall create a written record of the effort made to obtain the quotes or proposals.

If a contract is awarded, the purchaser shall award the contract to the offeror whose quote or proposal will best serve the interests of the contracting agency, taking into account price as well as considerations including, but not limited to, experience, expertise, product functionality, suitability for a particular purpose and contractor responsibility.

### **Formal Procurement Procedures**

Procurements shall be awarded by formal competitive solicitations as follows:

**Competitive Sealed Bids:** Defined as quotes and bids where detailed specifications, which describe the materials, equipment, and/or service, are available. Formal bids may be opened at public meetings. When opened in public, prices and relevant information are read to those in attendance. An award is offered to the lowest priced and most responsible and responsive bidder whose bid meets the requirements and criteria set forth in the invitation to bid.

**Competitive Sealed Proposals:** These are defined as instances when the products, services or projects are of a complex nature or when the expertise of the marketplace is required. Only the identities of those who have responded will be read at proposal openings. An award is made to the responsible offer or the proposal determined to be the most advantageous to the district, taking into consideration price and other evaluation factors set forth in the request for proposal.

**Negotiations:** Competitive or noncompetitive negotiations may be used in place of proposals or may be used as part of any proposal process if the Director of Materials Management determines that this is in the best interest of the district.

**Dispute Resolution:** The Director of Materials Management is authorized to settle and resolve questions regarding any protest concerning the solicitation, consideration or award of a bid/proposal, or controversies arising between the district and a vendor with regard to contracts. If deemed necessary, district counsel shall be consulted. Only

## **SOLICITATION GUIDELINES**

Page 3 of 4

protests sent directly to the Director of Materials Management will be recognized for consideration. The decision of the Director of Materials Management shall be final. Protests of a solicitation must be filed in writing within seven business days of posting bid/Request for Proposal (RFP) document. Protests of an award of a bid/RFP must be filed in writing within seventy two (72) hours of the intent to award notice.

**Public Access:** Quotes and bids shall be subject to public inspection throughout the evaluation process. Requests for proposals shall be considered working documents that may be negotiated and therefore shall not be subject to public inspection during the evaluation process. These documents will be available for review once an award has been made. However, any bidder or proposer may submit confidential items such as intellectual property, trade secret, privileged or confidential commercial or financial information as long as those items are clearly identified, limited to the scope as set forth in this section and reasonably separated so as not to limit disclosure of nonprivileged information. Such identified documents shall not be disclosed pursuant to Colorado Public Records Laws. All information in the Colorado Open Records Act is a strong presumption for disclosure. Marking information as confidential is not necessarily sufficient to prevent disclosure. The following information concerning the proposal shall not be considered as confidential commercial information even if it is clearly marked as such: prices, non-financial information concerning compliance with specifications, guarantees and warranties.

### **Public Works Contract**

The following procedures shall be used when awarding a public works contract. However, the provisions in this section shall not be applicable if a public work project utilizes federal funding.

**Public Works:** “Public works” means any construction, alteration, repair, demolition or improvement of any land, building, structure, facility, road, highway, bridge or other public improvement suitable for and intended for use in the promotion of the public health, welfare or safety and any maintenance programs for the upkeep of such project exceeding \$500,000 in a fiscal year.

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## **SOLICITATION GUIDELINES**

Page 4 of 4

**Work Force:** Colorado labor shall perform at least 80 percent of the work of each separate construction phase for any public works contract. The district shall waive the 80 percent requirement if there is reasonable evidence to demonstrate that insufficient Colorado labor is available to perform the work of the project and if compliance would create an undue burden that would substantially prevent a project from proceeding to completion. The district shall post notice of this waiver and justification on its website. The district will not impose contractual damages on a contractor for a delay in work due to the waiver process.

**Resident Bidder Reciprocity:** If a non-resident bidder is from a state that gives a preference to its own resident bidders, a comparable percentage disadvantage shall be applied to the bid. Solicitation documents shall include notice of Colorado's nonresident bidder reciprocity law and specify that the bidder may obtain additional information from the Colorado Department of Personnel website.

LEGAL REFS.:       H.B. 13-1292  
                          CRS 8-17-101  
                          CRS 8-19-104