

Financial Affairs
Eduardo A. Alfaro, Interim Chief Financial Officer

**SUBJECT: PROPOSED AMENDMENT OF SCHOOL BOARD RULES: INITIAL
READING**

6Gx13- 3C-1.10, PURCHASE APPROVAL

6Gx13- 3C-1.11, BIDDING PROCESS

**6Gx13- 3C-1.111, BIDDING PROCESS-COMPETITIVE BIDDING
REQUIREMENTS**

6Gx13- 3C-1.16, EMERGENCY PURCHASES

**6Gx13- 3F-1.02, CONSULTANT AND TECHNICAL SERVICES;
INSTRUCTIONAL TELEVISION, RADIO AND MEDIA LEASE
AGREEMENTS, ROYALTY FEES, PRODUCTION AND
PROGRAMMING CONTRACTS**

**COMMITTEE: LEGISLATIVE RELATIONS, PUBLIC RELATIONS AND
PERSONNEL SERVICES**

Florida Statute 287.017 provides that all purchases for commodities or contractual services in excess of the CATEGORY TWO threshold shall be awarded by competitive sealed bidding. The CATEGORY TWO amount is currently \$25,000. The recommended amendments to Board rules revise the District's threshold for awarding competitive sealed bids from \$10,000 to \$25,000.

The five Board rules recommended for amendment cite the revised bid threshold in the following circumstances:

Board rule 6Gx13- 3C-1.10, authorizes the Superintendent to make purchases, and provides exceptions to the competitive bid requirements. The amendment revises the purchase amount requiring Board approval.

Board rule 6Gx13-3C-1.11, amends the bid threshold amount required for solicitation, receipt, and award of bids, maintenance of bidders list, protest procedures, and contract renewals.

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Board rule 6Gx13- 3C-1.111, provides procedures for purchases less than the revised bid threshold.

Board rule 6Gx13- 3C-1.16, provides procedures for emergency purchases when the estimated amount is over the threshold, as well under the threshold.

Board rule 6Gx13- 3C-1.02, provides authority for the Superintendent to negotiate and execute contracts less than the threshold amount for consultant and technical services and instructional television, radio and media lease agreements and royalty fees. Contracts for the subject services exceeding the threshold must be submitted to the Board for approval.

Attached are the Notices of Intended Action and the rules proposed for amendment. Changes from the current rule are indicated by underscoring words to be added and ~~striking through~~ words to be deleted.

Authorization of the Board is requested for the Superintendent to initiate rulemaking proceedings in accordance with the Administrative Procedure Act for the amendment of School Board Rules 6Gx13- 3C-1.10, Purchase Approval; 6Gx13- 3C-1.11, Bidding Process; 6Gx13- 3C-1.111, Bidding Process-Competitive Bidding Requirements; 6Gx13- 3C-1.16, Emergency Purchases; 6Gx13- 3F-1.02, Consultant and Technical Services; Instructional Television, Radio and Media Lease Agreements, Royalty Fees, Production and Programming Contracts.

RECOMMENDED: That The School Board of Miami-Dade County, Florida, authorize the Superintendent to initiate rulemaking proceedings in accordance with the Administrative Procedure Act to amend School Board Rules:

- 1) 6Gx13- 3C-1.10, Purchase Approval
- 2) 6Gx13- 3C-1.11, Bidding Process
- 3) 6Gx13- 3C-1.111, Bidding Process-Competitive Bidding Requirements
- 4) 6Gx13- 3C-1.16, Emergency Purchases
- 5) 6Gx13- 3F-1.02, Consultant and Technical Services; Instructional Television, Radio and Media Lease Agreements, Royalty Fees, Production and Programming Contracts

EAA:cg

NOTICE OF INTENDED ACTION

THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA, announced on July 9, 2003, its intention to amend Board Rule 6Gx13- 3C-1.10, Purchase Approval, at its meeting of August 20, 2003.

PURPOSE AND EFFECT: The amendment to the School Board Rule will revise the threshold for bids as established by Florida Statutes and State Board of Education rules.

SUMMARY: The rule outlines the authority of the Superintendent of Schools, as established by Florida Statutes and State Board of Education rules, regarding the approval or rejection of purchase requisitions.

SPECIFIC LEGAL AUTHORITY UNDER WHICH RULEMAKING IS AUTHORIZED: 1001.41(1)(2); 1001.42(22); 1001.43(10) F.S.

LAW IMPLEMENTED, INTERPRETED, OR MADE SPECIFIC: 282.0041(7); 287.017; 287.056; 287.057; 1011.07 F.S; 6A-1.012; 6A-1.091; 6A-7.042 FAC.

IF REQUESTED, A HEARING WILL BE HELD DURING THE BOARD MEETING OF August 20, 2003, which begins at 1:00 p.m., in the School Board Auditorium, 1450 N.E. Second Avenue, Miami, Florida 33132. Persons requesting such a hearing or who wish to provide information regarding the statement of estimated regulatory costs, or to provide a proposal for a lower cost regulatory alternative as provided by Section 120.541(1), F.S., must do so in writing by August 4, 2003, to the Superintendent of Schools, Room 912, at the same address.

ANY PERSON WHO DECIDES TO APPEAL THE DECISION made by The School Board of Miami-Dade County, Florida, with respect to this action will need to ensure the preparation of a verbatim record of the proceedings, including the testimony and evidence upon which the appeal is to be based. (Section 286.0105, Florida Statutes)

A COPY OF THE PROPOSED AMENDED RULE is available for inspection and copying at cost by the public in the Citizen Information Center, Room 158, 1450 N.E. Second Avenue, Miami, Florida 33132.

Originator: Mr. Joseph A. Gomez
Supervisor: Mr. Eduardo A. Alfaro
Date: June 25, 2003

Non-salaried Expenditures**PURCHASE APPROVAL**

- I. Insofar as practical all purchases from vendors shall be based on purchase requisitions submitted by authorized originators.

Authority is vested in the Superintendent of Schools or his/her designee(s) to approve or reject purchase requisitions, and to authorize purchases of supplies, equipment, and services when the total amount of each purchase does not exceed ~~\$10,000~~ \$25,000. Purchases in excess of ~~\$10,000~~ \$25,000 shall be approved by The School Board of Miami-Dade County, Florida, except for the following:

- A. Purchases of instructional materials under state contract, which are authorized by State Board of Education Rule 6A-1.012(1).
- B. Purchases of various goods and services under State Board of Education Rule 6A-1.012(4) which requires school systems to receive and give consideration to prices available to it under rules of the Department of Management ~~General~~ Services, Division of Purchasing.
- C. Purchases of food products, required for the School Food Service Program and other ancillary food operations, which are exempt from the bid requirements by State Board of Education Rule 6A-7.042(2)(i)2, or for which bids were not received through the prescribed competitive bidding process.
- D. Purchases of professional or educational services, educational tests, textbooks, printed instructional materials, computer software, films, filmstrips, video tapes, disc or tape recordings or similar audiovisual materials, and for library and reference books, and printed library cards where such materials are purchased directly from the producer or publisher, the owner of the copyright, an exclusive agent within the state, a government agency or a recognized educational institution where the requirement for requesting bids from three (3) or more sources has been waived as provided by law and State Board of Education Rule 6A-1.012(7).

- E. Emergency purchases made in accordance with Board Rule 6Gx13- 3C-1.16 and approved by the Superintendent of Schools or the Superintendent's designated representative. The Superintendent of Schools will report all emergency purchases to the School Board as soon as possible.
- F. Purchases where the School Board has the option to purchase from current Miami-Dade county (~~Metro~~) contracts as well as those contracts established by other public agencies within the state, as authorized by Florida Statute 287.056 ~~237.02(1)(b)~~ and State Board of Education Rule 6A-1.012(3).
- G. Purchases made under contracts awarded by other city or county governmental agencies, other school boards, community colleges, or state university system cooperative bid agreements when the awardee(s) of said bids will permit purchases by a school board at the same terms, conditions, and unit prices awarded in the contract, and such purchases are to the economic advantage of the school board, as authorized by State Board of Education Rule 6A-1.012(5).
- H. Purchases of maintenance and/or service contracts, on various types of technical equipment, that are offered and/or supplied only by the original manufacturer or its representative, or that are required to maintain the integrity of the manufacturer's warranty, or that are part of the manufacturer's rental/lease/lease purchase agreements terms and conditions.
- I. The School Board, when acquiring whether by purchase, lease, lease with option to purchase, rental, or otherwise, information technology resources, as defined in Section 282.0041(7) ~~282.303(13)~~ Florida Statutes, may make any acquisition through the bid process as described in State Board of Education Rule 6A-1.012, or by direct negotiation and contract with a vendor or supplier, as best fits the needs of the school district as determined by the School Board. Each acquisition made by direct negotiation and contract shall be reviewed and approved by the Department of Education prior to acquisition. When a district School Board elects to directly negotiate and contract for any such acquisition, it shall be authorized to enter into a contract for acquisition with prior approval by the Department, and in that event, the requirements for requesting bids are waived.

- J. Purchases that have been authorized, approved, and are defined by Board Rule 6Gx13- 3C-1.15 as General Authorization Purchases.
- II. Requisitions shall be prepared for individual categories of supplies, equipment, and services. Requirements in the same category shall not be divided and submitted on two or more requisitions in order to circumvent established bid or quotation procedures.
- III. The expenditure of internal funds must be in compliance with Section 1011.07 ~~237.02~~ Florida Statutes, and State Board of Education Rules.
- IV. If it is determined that it is in the best interest of the school system, the Superintendent of Schools is authorized to direct that the purchase of items such as class jewelry, school annuals, cards and invitations, insignia, caps and gowns, or other such items of common use, to be purchased from funds handled in trust for individuals, shall be centrally bid by ~~the Bureau of Procurement and~~ Materials Management Services.

Specific Authority: ~~230.22(2)~~ 1001.41(1)(2); 1001.42(22); 1001.43(10) F.S.

Law Implemented, Interpreted, or Made Specific: ~~237.02; 282.303(13)~~ 282.0041(7); 287.017; 287.056; 287.057; 1011.07 F.S.; 6A-1.012; 6A-1.091; 6A-7.042 FAC

History

THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA

Repromulgated: 12-11-74

Amended: 4-12-78; 11-19-80; 8-19-87; 12-6-89; 3-6-91; 9-8-93

Technical Change: 5-1-98

NOTICE OF INTENDED ACTION

THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA, announced on July 9, 2003, its intention to amend Board Rule 6Gx13- 3C-1.11, Bidding Process, at its meeting of August 20, 2003.

PURPOSE AND EFFECT: The amendment to the School Board Rule will clarify the process for protests of bid specifications, bid awards, and contract renewals as established by Florida Statutes and State Board of Education rules.

SUMMARY: The rule sets forth procedures for the Board to issue, receive, open, tabulate and award bids, process bid disputes, and renew contracts.

SPECIFIC LEGAL AUTHORITY UNDER WHICH RULEMAKING IS AUTHORIZED: 1001.41(1)(2); 1001.42(22); 1001.43(10) F.S.

LAW IMPLEMENTED, INTERPRETED, OR MADE SPECIFIC: 120.57; 120.569; 287.057 F.S.; 6A-1.012 FAC.

IF REQUESTED, A HEARING WILL BE HELD DURING THE BOARD MEETING OF August 20, 2003, which begins at 1:00 p.m., in the School Board Auditorium, 1450 N.E. Second Avenue, Miami, Florida 33132. Persons requesting such a hearing or who wish to provide information regarding the statement of estimated regulatory costs, or to provide a proposal for a lower cost regulatory alternative as provided by Section 120.541(1), F.S., must do so in writing by August 4, 2003, to the Superintendent of Schools, Room 912, at the same address.

ANY PERSON WHO DECIDES TO APPEAL THE DECISION made by The School Board of Miami-Dade County, Florida, with respect to this action will need to ensure the preparation of a verbatim record of the proceedings, including the testimony and evidence upon which the appeal is to be based. (Section 286.0105, Florida Statutes)

A COPY OF THE PROPOSED AMENDED RULE is available for inspection and copying at cost by the public in the Citizen Information Center, Room 158, 1450 N.E. Second Avenue, Miami, Florida 33132.

Originator: Mr. Joseph A. Gomez
Supervisor: Mr. Eduardo A. Alfaro
Date: June 25, 2003

Non-salaried Expenditures**BIDDING PROCESS**

The purpose of this rule is to set forth procedures by which the Board will issue, receive, open, tabulate, and award bids and process bid disputes. For purposes of this rule, the term "bid(s)" includes all Invitations to Bid (ITB) and Request for Proposals (RFP). The term "bidder" includes proposers.

I. Soliciting Competitive Bids

Good public administration requires that commodities bought by any school, department, or agency be purchased at the lowest possible cost, consistent with an adequate standard of quality, usually through competitive bidding. Employees of the Miami-Dade County school system, responsible for the expenditure of public funds, must be held to a high level of accountability.

Competitive bidding helps to do this and assures the public that the Board's purchases will be made without favoritism and as economically as possible consistent with an adequate standard of quality. The object of competitive bidding is to obtain prices from as many qualified sources as practical. Competition will provide reasonable costs and insure the school system a maximum yield from each tax dollar expended. It is necessary to furnish potential bidders specific detailed information concerning the item or items which the Board plans to purchase. Bidders may then establish a basis on which to compute their bid prices after determining which of their products meet the specifications.

In soliciting competitive bids it is necessary to solicit a minimum of three bids, unless otherwise waived by Board Rule, Department of Education Administrative Rule, or State Statute.

The competitive bid process ~~is applicable~~, as stated above, is not applicable in those instances where only one source can supply and only one price is available for commodities which can be offered by only one vendor or source. Documentary evidence, in writing, showing the sole source status of the goods or service being ordered and justification as to why that particular goods or service is needed, must accompany the requisition.

When soliciting bids, all reasonable methods should be exhausted in order to insure full and free competition. Special attention should be given to bids where only one known source has previously been identified as able to supply the commodities or service. Prior to bidding, staff should attempt to contact other prospective vendors who could possibly provide the same commodity or service.

Newspaper advertisements, telephone or other market contacts should be used as means for solicitation. Documentary evidence of the results, in writing, must become part of the Master Bid File for that particular bid. Care should be exercised to insure that bids are solicited sufficiently in advance of the opening of bid time to allow bidders adequate opportunity to prepare and submit their bids.

II. Mailing to Prospective Bidders

When invitations to bid are prepared by the Board they should be disseminated ~~mailed immediately~~ to known prospective bidders and in response to subsequent telephone requests, ~~and made available for pickup by other prospective bidders for that type of commodity.~~

III. Maintenance of Potential Bidders List

~~The Procurement Management Services Division of the Board~~ shall maintain as large a list as possible of responsible bidders to whom ~~they send~~ invitations to bid are sent. The list shall be divided into various commodity classes. Any bidder desiring to be placed on the bid list should submit a request to ~~the Division of Procurement Management Services~~ advising of those commodities in which the bidder regularly deals and which the bidder desires to sell to the Board. This list shall be continually reviewed and kept up to date.

IV. Protest of Specifications

Any notice of protest of the specifications contained in an invitation to bid shall be filed in writing ~~as follows:~~ with the Clerk of the School Board of Miami-Dade County, Florida, who shall maintain offices in the School Board Administration Building.

A. ~~Procurement bids: with the Executive Director, Division of Procurement Management, or~~

B. ~~Construction bids: with the Project Architect, with a copy to the Office of Capital Improvement.~~

~~Any notice of protest of the specifications contained in an invitation to bid shall be filed no later than the date and hour specified in the Bidder Qualification Form for receipt of bids. Failure to file a timely notice of protest shall constitute a waiver of proceedings.~~

With respect to a protest of the specifications contained in an Invitation to Bid (ITB) or in a Request For Proposals (RFP), the Notice of Protest shall be filed in writing within 72 hours after the posting of a solicitation. The Formal Written Protest shall be filed

within 10 days after the date the notice of protest is filed. Failure to file a Notice of Protest or failure to file a Formal Written Protest shall constitute a waiver of proceedings under this rule. The Formal Written Protest shall state with particularity the facts and law upon which the protest is based. Saturdays, Sundays, and legal holidays shall be excluded in the computation of the 72-hour time periods provided by this paragraph.

The letters of protest will be reviewed by either Procurement Management Services or Facilities Operations, Maintenance and Planning, when applicable, and within 7 days, the protesting bidder will be offered the opportunity to meet and discuss the merits of the protest. If the protest is not resolved, the matter may be referred for proceedings pursuant to Section 120.569 and 120.57, Florida Statutes. Petitions for hearing on protests pursuant to Section 120.569 and 120.57, F.S., must be filed in accordance with School Board Rule 6Gx13- 8C-1.064, Adjudicatory Proceedings.

V. Receiving and Opening of Bids

~~The Board establishes the following procedures for receiving and opening construction, purchasing, and other such bids as may be received and opened from time to time:~~

A. The Superintendent of Schools, or an administrator designated by the Superintendent, shall designate the time and place for receiving and opening of bids.

~~1. Bid openings shall be scheduled weekly; additional special openings may be scheduled as needed.~~

~~A. B:~~ Bids are to be submitted by U.S. Mail, courier/express service, or deposited in the "Bid Box" located in Room 352, School Board Administration Building, 1450 N.E. 2nd Avenue, Miami, FL 33132, 8:00 A.M. to 4:30 P.M., Monday through Friday, up to the time and on the date specified in the bid documents. ~~The "Bid Box" shall be locked at the exact designated bid opening time and for one-half hour thereafter.~~ The official time for accepting bids ~~locking the "Bid Box"~~ shall be determined by the clock located in the room which contains the "Bid Box." Bids received after the date and hour specified in the Bidder Qualification Form will not be considered.

B. C. The following persons shall participate in the bid opening function:

1. The District Executive Director, ~~Division of~~ Procurement Management, or an administrator designated by the District Executive Director, shall serve as chairperson.
2. A person designated by the District Executive Director, ~~Division of~~ Procurement Management, to record the minutes of the bid opening, and such minutes shall be reported to the Board at the next regularly scheduled Board meeting.
3. The Executive Director, ~~Division of~~ Project and Contract Management, or an administrator designated by the Executive Director.
4. Those additional administrators and support staff required for the efficient handling of this procedure.

C. D. All construction bids shall be opened and tabulated prior to bids being released by the recording secretary.

D. E. All purchasing bids will be recorded at the time they are received, showing the bid number, bid title, and the names of the bidders submitting bid forms. The record shall be made prior to the release of the bid material by the recording secretary.

The above guides to receiving bids in no way affect the awarding of bids at Board meetings.

VI. The Recording or Tabulation of Purchasing Bids

The names of bidders, the prices submitted, and such other pertinent data, will be entered on a tabulation sheet by ~~the Division of~~ Procurement Management. This information shall be available for inspection by any interested party.

VII. Rejection of Bids

The right to reject any and all bids is reserved by the Board and such reservation shall be indicated in all advertising and invitations. When bids are rejected and the project or requirement is not abandoned, new bids may be called for, as previously. Bids which contain any alterations or erasures may be rejected. Bids will be rejected for good and sufficient cause, such as faulty specifications,

~~excessive cost~~, abandonment of the requirements, insufficient funds, ~~failure to provide security when required~~, or other irregularities. Bids may be rejected for failure by the bidder to comply with any requirement stated in the bid document, the bid proposal form or any attachments thereto which become part of the bid.

VIII. Irregular or Deviating Bids

In the event that ~~the Division of Procurement Management~~ wishes to make a recommendation of an award of a bid to a bidder who has deviated from specifications, or in which there is any irregularity, the report recommending such an award should contain in detail: the manner in which the bid deviates from the specifications or is irregular, the reasons for the recommendation of the award, and approval by the ~~Attorney for the Board~~ Attorney.

IX. Award Recommendation

Bidder information phone lines have been established in ~~the Division of Procurement Management~~ for procurement bids, and in ~~the Division of Project and Contract Management~~ for construction bids. Bidders may call the appropriate ~~department~~ Division each Friday to be advised of the recommended bidders and the time it is contemplated that the recommendation will be made. This information will be provided by school system staff as available. In no case will information as to a recommended bidder be available later than the Friday preceding the week when the award is scheduled to be made by the School Board or Superintendent.

X. Protest of Bid Award

Any letters of protest of an intended award may be filed ~~by bidders as follows: in writing with the Clerk of the School Board of Miami-Dade County, Florida, who shall maintain offices in the School Board Administration Building.~~

A: ~~Procurement bids: with the Executive Director, Division of Procurement Management, or~~

B: ~~Construction bids: with the Executive Director, Division of Project and Contract Management.~~

~~Letters of protest will be reviewed by staff, and staff will offer the protesting bidder the opportunity for a meeting to discuss the protest. If the bidder is not satisfied with the response, he/she may request to address the School Board. Alternatively, bidders may invoke the provisions of §120.57, Fla. Stat. Petitions for hearings~~

~~on protests pursuant to §120.57, Fla. Stat., must be filed in accordance with School Board Rule 6Gx13-8C-1.064. Protests filed later than the day before the award is scheduled to be made are deemed waived.~~

Any person who is adversely affected by the agency decision or intended decision, shall file with the agency a Notice of Protest in writing, within 72 hours after the posting of the bid tabulation or after receipt of the notice of the agency decision or intended decision and shall file a Formal Written Protest within 10 days after filing the Notice of Protest. Failure to file a Notice of Protest or failure to file a Formal Written Protest shall constitute a waiver of proceedings under Chapter 120.57, Florida Statute. The formal written protest shall state with particularity the facts and law upon which the protest is based. Saturdays, Sundays, and legal holidays shall be excluded in the computation of the 72-hour time periods provided by this paragraph.

The letters of protest will be reviewed by either Procurement Management Services or Facilities Operations, Maintenance and Planning, when applicable, and within 7 days, the protesting bidder will be offered the opportunity to meet and discuss the merits of the protest. If the protest is not resolved, the matter may be referred for proceedings, pursuant to Section 120.569 and 120.57, Florida Statutes. Petitions for hearing on protests pursuant to Section 120.569 and 120.57, F.S., must be filed in accordance with School Board Rule 6Gx13- 8C-1.064, Adjudicatory Proceedings.

XI. Official Award Date

Awards become official when made unless otherwise specified in the award recommendation.

XII. Contract Renewals

The School Board shall have the authority to award bids and reject any or all bids. The Superintendent shall have the authority to exercise, in subsequent years, any renewal options included in a bid solicitation, provided terms and conditions are favorable for the School District and subject to the availability of funds.

XIII. ~~XII.~~ Legal Basis for Procedures

The procedures for the purchase of commodities and services, and construction of facilities for the Miami-Dade County Public Schools system shall comply with the Florida Statutes and the State Board of Education Rules.

Specific Authority: ~~230.22(2)~~ 1001.41(1)(2); 1001.42(22); 1001.43(10) F.S.
Law Implemented, Interpreted, or Made Specific: ~~235.31; 237.02(1)~~ 120.57;
120.569; 287.057 F.S.; 6A-1.012
FAC.; SREF 1994

History THE SCHOOL BOARD OF MIAMI-DADE COUNTY FLORIDA
Repromulgated: 12-11-74
Amended: 8-19-87; 6-28-89; 6-19-96

NOTICE OF INTENDED ACTION

THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA, announced on July 9, 2003, its intention to amend Board Rule 6Gx13- 3C-1.111, Bidding Process - - Competitive Bidding Requirements, at its meeting of August 20, 2003.

PURPOSE AND EFFECT: The amendment to the School Board Rule will revise the threshold for formal written bids and written, telephone, or electronic quotations as established by Florida Statutes and State Board of Education rules.

SUMMARY: The rule sets forth procedures for formal written bids and quotations.

SPECIFIC LEGAL AUTHORITY UNDER WHICH RULEMAKING IS AUTHORIZED: 1001.41(1)(2); 1001.42(22); 1001.43(10) F.S.

LAW IMPLEMENTED, INTERPRETED, OR MADE SPECIFIC: 287.057 F.S; 6A-1.012 FAC.

IF REQUESTED, A HEARING WILL BE HELD DURING THE BOARD MEETING OF August 20, 2003, which begins at 1:00 p.m., in the School Board Auditorium, 1450 N.E. Second Avenue, Miami, Florida 33132. Persons requesting such a hearing or who wish to provide information regarding the statement of estimated regulatory costs, or to provide a proposal for a lower cost regulatory alternative as provided by Section 120.541(1), F.S., must do so in writing by August 4, 2003, to the Superintendent of Schools, Room 912, at the same address.

ANY PERSON WHO DECIDES TO APPEAL THE DECISION made by The School Board of Miami-Dade County, Florida, with respect to this action will need to ensure the preparation of a verbatim record of the proceedings, including the testimony and evidence upon which the appeal is to be based. (Section 286.0105, Florida Statutes)

A COPY OF THE PROPOSED AMENDED RULE is available for inspection and copying at cost by the public in the Citizen Information Center, Room 158, 1450 N.E. Second Avenue, Miami, Florida 33132.

Originator: Mr. Joseph A. Gomez
Supervisor: Mr. Eduardo A. Alfaro
Date: June 25, 2003

Non-salaried Expenditures**BIDDING PROCESS--COMPETITIVE BIDDING REQUIREMENTS**

I. Formal Written Bids

For each purchase of more than ~~\$10,000~~ \$25,000, bids shall be requested from three or more sources. ~~Bid forms or cards~~ Notices of bids shall be sent to all vendors on the active vendor mailing list for that category of goods or services. This list shall include all minority/women vendors identified with the School Board for that particular category of goods or services, as well as organizations involved in assisting M/WBE firms by posting and disseminating information regarding available contracts. Notices of bids shall be advertised in one or more major, local newspapers at least seven days prior to the bid opening date. This shall include, as necessary, major newspapers having circulation representative of the various relevant minority classifications. Tabulations of current bids shall be retained in bid files and shall be available for reference. Standard bid forms used shall be as approved by the Superintendent of Schools and the ~~Attorney for the Board~~ Board Attorney.

II. Written, and Telephone, or Electronic Quotations

~~A: For each purchase of \$3,000 to \$10,000, inclusive, made by the professional Procurement Management staff, written or telephone quotations shall be requested as follows:~~

~~Letter quotes: Competitive pricing shall be requested from a minimum of five (5) sources, two of which must be identified Minority/Women Business Enterprise vendors and the award shall be based on the lowest and best price quotation.~~

~~Telephone quotes: Competitive pricing shall be requested from three (3) or more sources, one (1) of which shall be an identified Minority/Women Business Enterprise (M/WBE) vendor. If only one (1) or two (2) of those sources respond with prices, two (2) additional sources shall be contacted for pricing, one of which shall be an M/WBE vendor. If no additional prices are obtained from those sources the award shall be made to the lowest and best price quotation. If all three (3) of the vendors first contacted for prices respond with valid price quotations, the award shall be made to the lowest and best price quotation with no additional requests from other vendors required.~~

For each purchase less than \$25,000 and over the minimum quotation threshold established by Procurement Management, staff shall obtain written, telephone, or electronic quotations from three or more sources. If possible, vendors contacted shall be rotated and shall include M/WBE vendor participation. If only one of those sources respond with prices, two additional sources, if available, may be contacted for pricing, including, if possible, an M/WBE vendor. If no additional prices are obtained from those sources, the award shall be made to the lowest and best price quotation. If all three of the vendors first contacted for prices respond with valid price quotations, the award shall be made to the lowest price quotation meeting specifications with no additional requests from other vendors required.

Quotations obtained shall be attached to the purchase order requisition and/or written notations recorded on a worksheet ~~the requisition~~ indicating prices and sources thereof, and certification of same by signature, electronic signature, or facsimile. The requisition shall be approved for purchase as authorized by the Superintendent of Schools.

- ~~B. For each purchase of less than \$3,000 made by the professional Procurement Management staff, written or telephone quotations may be requested from more than one source but are not required. If possible, vendors contacted shall be rotated and shall include M/WBE vendor participation. Quotations obtained shall be attached to the requisition and/or written notations recorded on the requisition indicating prices and sources thereof, and certification of same by signature or facsimile. The requisition shall be approved for purchase as authorized by the Superintendent of Schools.~~
- ~~C. The above rule will be strictly used only by the professional Procurement Management staff.~~
- III. D. Schools making internal fund purchases will adhere to policies as outlined in the Internal Funds Manual.

Specific Authority: ~~230.22(2)~~ 1001.41(1)(2); 1001.42(22); 1001.43(10) F.S.
 Law Implemented, Interpreted or Made Specific: ~~237.02~~ 287.057 F.S.; 6A-1.012 FAC

History THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA
 Repromulgated: 12-11-74
 Amended: 9-21-83; 8-19-87; 12-6-89; 1-9-91; 9-8-93

NOTICE OF INTENDED ACTION

THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA, announced on July 9, 2003, its intention to amend Board Rule 6Gx13- 3C-1.16, Emergency Purchases, at its meeting of August 20, 2003.

PURPOSE AND EFFECT: The amendment to the School Board Rule will revise the dollar threshold for emergency purchases to correspond to the bid threshold, as established by Florida Statutes and State Board of Education rules.

SUMMARY: The rule outlines the circumstances and procedures for emergency purchases.

SPECIFIC LEGAL AUTHORITY UNDER WHICH RULEMAKING IS AUTHORIZED: 1001.41(1)(2); 1001.42(22); 1001.43(10) F.S.

LAW IMPLEMENTED, INTERPRETED, OR MADE SPECIFIC: 287.057 F.S; 6A-1.012 FAC.

IF REQUESTED, A HEARING WILL BE HELD DURING THE BOARD MEETING OF August 20, 2003, which begins at 1:00 p.m., in the School Board Auditorium, 1450 N.E. Second Avenue, Miami, Florida 33132. Persons requesting such a hearing or who wish to provide information regarding the statement of estimated regulatory costs, or to provide a proposal for a lower cost regulatory alternative as provided by Section 120.541(1), F.S., must do so in writing by August 4, 2003, to the Superintendent of Schools, Room 912, at the same address.

ANY PERSON WHO DECIDES TO APPEAL THE DECISION made by The School Board of Miami-Dade County, Florida, with respect to this action will need to ensure the preparation of a verbatim record of the proceedings, including the testimony and evidence upon which the appeal is to be based. (Section 286.0105, Florida Statutes)

A COPY OF THE PROPOSED AMENDED RULE is available for inspection and copying at cost by the public in the Citizen Information Center, Room 158, 1450 N.E. Second Avenue, Miami, Florida 33132.

Originator: Mr. Joseph A. Gomez
Supervisor: Mr. Eduardo A. Alfaro
Date: June 25, 2003

Non-salaried Expenditures**EMERGENCY PURCHASES**

When an emergency arises, circumstances contributing to such an emergency shall be communicated to the proper department or agency of the Board, which in turn will notify Procurement Management requesting the emergency purchase.

A requisition for an emergency purchase shall be accompanied by the appropriate Emergency Purchase Request Form, explaining in detail the circumstances creating the emergency and further clarifying that immediate action was required to protect the Board's interests. Emergency purchases are divided into two categories as follows:

- I. Emergency Purchase Request (Form B FM-3739) - Estimated Expenditure - ~~\$10,000~~ \$25,000 and under. Requires the signature of the initiating administrator, recommended by Director or above and approval by the Assistant Superintendent or above or his/her designee(s), whose designation shall have prior approval by the Superintendent.
- II. Emergency Purchase Request (Form A FM-2333) - Estimated Expenditure - over ~~\$10,000~~ \$25,000. Requires the signature of the initiating administrator, recommended by the Assistant Superintendent or above, or his/her designee(s) and approval by Superintendent of Schools. Emergency purchases over \$25,000 ~~\$10,000~~ will be reported to the Board.

Specific Authority: ~~230.22(2)~~ 1001.41(1)(2); 1001.42(22); 1001.43(10) F.S.

Law Implemented, Interpreted, or Made Specific: ~~237.02(1)(a); 237.02(2)~~ 287.057, F.S.;
6A-1.012 FAC

History

THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA

Repromulgated: 12-11-74

Amended: 8-19-87; 1-20-88; 12-6-89; 9-8-93

NOTICE OF INTENDED ACTION

THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA, announced on July 9, 2003, its intention to amend Board Rule 6Gx13- 3F-1.02, Consultant and Technical Services; Instructional Television, Radio and Media Lease Agreements, Royalty Fees, Production and Programming Contracts, at its meeting of August 20, 2003.

PURPOSE AND EFFECT: The amendment to the School Board Rule will revise the threshold for Consultant and Technical Services; Instructional Television, Radio and Media Lease Agreements, Royalty Fees, Production and Programming Contracts as established by Florida Statutes and State Board of Education rules.

SUMMARY: The rule outlines the authority and procedures for Consultant and Technical Services; Instructional Television, Radio and Media Lease Agreements, Royalty Fees, Production and Programming Contracts as established by Florida Statutes and State Board of Education rules.

SPECIFIC LEGAL AUTHORITY UNDER WHICH RULEMAKING IS AUTHORIZED: 1001.41(1)(2); 1001.42(22); 1001.43(10) F.S.

LAW IMPLEMENTED, INTERPRETED, OR MADE SPECIFIC: 287.057 F.S.; 6A-1.012 FAC.

IF REQUESTED, A HEARING WILL BE HELD DURING THE BOARD MEETING OF August 20, 2003, which begins at 1:00 p.m., in the School Board Auditorium, 1450 N.E. Second Avenue, Miami, Florida 33132. Persons requesting such a hearing or who wish to provide information regarding the statement of estimated regulatory costs, or to provide a proposal for a lower cost regulatory alternative as provided by Section 120.541(1), F.S., must do so in writing by July 15, 2003, to the Superintendent of Schools, Room 912, at the same address.

ANY PERSON WHO DECIDES TO APPEAL THE DECISION made by The School Board of Miami-Dade County, Florida, with respect to this action will need to ensure the preparation of a verbatim record of the proceedings, including the testimony and evidence upon which the appeal is to be based. (Section 286.0105, Florida Statutes)

A COPY OF THE PROPOSED AMENDED RULE is available for inspection and copying at cost by the public in the Citizen Information Center, Room 158, 1450 N.E. Second Avenue, Miami, Florida 33132.

Originator: Mr. Joseph A. Gomez
Supervisor: Mr. Eduardo A. Alfaro
Date: June 25, 2003

Contracts and Documents**CONSULTANT AND TECHNICAL SERVICES; INSTRUCTIONAL TELEVISION, RADIO AND MEDIA LEASE AGREEMENTS, ROYALTY FEES, PRODUCTION AND PROGRAMMING CONTRACTS**

The Superintendent of Schools or the Superintendent's designated representative is authorized to negotiate and execute contracts for consultant and technical services and instructional television, radio and media lease agreements and royalty fees not to exceed ~~\$10,000~~ \$25,000. Any contract in excess of ~~\$10,000~~ \$25,000 must be submitted to the Board prior to execution by the Superintendent of Schools. The Superintendent of Schools or a designated staff member is to administer this policy in accordance with good business practices and procedures. Contract forms shall be approved by the Board Attorney.

If no local funds are required, the Superintendent of Schools or the designated representative is authorized to enter into production and programming contracts or cooperative programming purchase agreements in excess of ~~\$10,000~~ \$25,000 with the following agencies:

- a. State Department of Education
- b. The Public Broadcasting System

All such agreements shall be reported to the Board in conjunction with the submission of the related budget amendment.

Specific Authority: ~~230.22(2)~~ 1001.41(1)(2); 1001.42(22); 1001.43(10) F.S.

Law Implemented, Interpreted, or Made Specific: ~~230.23(10)(i); 230.33(12)(i)~~
287.057 F.S.; 6A-1.012 FAC

History

THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA

Repromulgated: 12-11-74

Amended: 1-23-80; 1-9-91; 12-19-91; 1-19-94