The School Board is committed to fostering an environment in which all businesses are free to participate in business opportunities and to flourish without the impediment of discrimination. The School Board has also strived for diversity in student body, staff, educational programming and business opportunities. The Board has already adopted a commercial non-discrimination program in Policy 6320, Purchasing, and numerous other policies prohibiting discrimination by employees. The Board is also committed to promoting an environment of diversity and inclusion in its schools and has established a Diversity Equity and Excellence Advisory Committee (DEEAC) in Policy 9142 to review issues related to diversity and make recommendations to the School Board and the Superintendent. In fact, the District was recently recognized for its commitment to promoting diversity and equality of opportunity in education and all of the District's operations by the Diversity Recruiters' Network and University of Phoenix "Diversity Spirit Achievement Award," a national honor recognizing organizations for actively supporting diversity in the community and workplace.

Currently, there are approximately 18,000 vendors qualified to do business with MDCPS Procurement Department, and approximately 550 qualified small, socially and economically disadvantaged minority-owned, female-owned and disabled-owned businesses, certified by the District's Office of Economic Opportunity, that are willing and available to participate in all types of District contracts on an equitable basis with other businesses.

As an additional measure to ensure that all businesses are free to participate in District contracts, this item authorizes the Superintendent to initiate rulemaking to adopt new Policy 6465, Commercial Anti-Discrimination, Diversity and Inclusion, and amended Policy 6320, Purchasing, that would also prohibit District employees and contractors from discriminating against businesses wishing to do business with the School Board or
to obtain work on School Board projects based on sex, race, color, ethnic or national origin, religion, marital status, disability, genetic information, age, political beliefs, sexual orientation, gender, gender identification, social and family background, linguistic preference, pregnancy, and any other legally prohibited basis. All bid solicitations, requests for proposals and contracts will include language reflecting this policy and contractors must certify that they will comply. The new Policy clarifies and specifies that employees and District contractors may not discriminate against businesses in the solicitation or selection of contract participants. All District employees involved in any procurement process will also be required to participate in training on implementing this policy and diversity. The new Policy includes complaint and investigation procedures, compliance measures, and sanctions for violations. The amendments to Policy 6320 are minor amendments required to conform to the new policy.

Attached are the Notice of Intended Action and the proposed new policy and amendments to a current policy. Changes from the current policy are indicated by underlining words to be added and striking-through words to be deleted.

Authorization of the Board is requested for the Superintendent to initiate rulemaking proceedings pursuant to the Administrative Procedure Act to promulgate new policy 6465, Commercial Anti-Discrimination, Diversity and Inclusion, and amend Board Policy 6320, Purchasing.

RECOMMENDED: That The School Board of Miami-Dade County, Florida, authorize the Superintendent to initiate rulemaking proceedings pursuant to the Administrative Procedure Act to promulgate new policy 6465, Commercial Anti-Discrimination, Diversity and Inclusion, and amend Board Policy 6320, Purchasing.
NOTICE OF INTENDED ACTION


PURPOSE AND EFFECT: The purpose of the new policy is to specifically establish a commercial anti-discrimination policy that prohibits District employees and contractors from discriminating against businesses seeking or currently doing business with the District or working on District projects, on the basis of sex, race, color, ethnic or national origin, religion, marital status, disability, genetic information, age, political beliefs, sexual orientation, gender, gender identification, social and family background, linguistic preference, pregnancy, and any other legally prohibited basis. Policy 6320 is being amended to conform to this new policy.

SUMMARY: The policy prohibits employees and all District contractors from discriminating on the basis of sex, race, color, ethnic or national origin, religion, marital status, disability, genetic information, age, political beliefs, sexual orientation, gender, gender identification, social and family background, linguistic preference, pregnancy, and any other legally prohibited basis. It requires the District to include language prohibiting discrimination in all District bid solicitations and contracts. It also requires contractors to certify that they will comply with this policy. The policy includes compliance provisions, sanctions for violations and procedures for filing a complaint. In addition, the policy requires employees involved in any procurement process to undergo mandatory training on implementation of this policy, diversity and inclusion.

SPECIFIC LEGAL AUTHORITY UNDER WHICH RULEMAKING IS AUTHORIZED: 1001.41 (1), (2), 1001.42 (25), 1001.43 (10), F.S.

LAWS IMPLEMENTED INTERPRETED OR MADE SPECIFIC: 1001.41 (1), (2); 1001.42 (25); 1001.43 (10), F.S.,

IF REQUESTED, A HEARING WILL BE HELD DURING SCHOOL BOARD MEETING OF November 19, 2014, 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 in Section 120.54(1), F.S., must do so in writing by November 3, 2014, to the Superintendent, 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)

COPIES OF THE PROPOSED NEW AND AMENDED POLICIES are available at cost to the public for inspection and copying in the Citizen Information Center, Room 158, 1450 N.E. Second Avenue, Miami, Florida 33132.
Purchasing

All procurement of supplies, materials, equipment, and services paid for from county
school funds shall be the responsibility of the procurement department under the
general supervision of the Chief Procurement Officer and shall be made in
accordance with all applicable State statutes, Florida State Board of Education
Rules, School Board policies, and administrative procedures.

No person may make any purchase with Board funds unless authorized to do so by
Board policy or by administrative directive, or manuals approved by the
Superintendent.

The agency designated for making purchases with Board funds is the Board’s
Procurement Management Services.

Payment for any unauthorized purchase may be the responsibility of the person
placing the order.

Purchase Approval and Competitive Bidding Process Requirements

Responsibilities

The Superintendent shall be responsible for the procurement of supplies, materials,
equipment, and services paid for from Board funds. The several schools,
departments and agencies of the District under the jurisdiction of the Board shall
purchase their materials or commodities through the Division of Procurement, the
Board’s official purchasing agency. All purchases shall comply with law, rules,
regulations and Board policies. The Superintendent may approve or reject purchase
requisitions when the total amount does not exceed $50,000 or the current
threshold set by statute. Purchases in excess of $50,000 or current threshold set by
statute shall be approved by the Board except for those delineated below:

A. The Superintendent may be authorized to purchase commodities or
contractual services where the total amount does not exceed an
amount prescribed by the Board, and does not exceed the applicable
appropriation in the District budget. The Superintendent may also
be authorized to purchase commodities or is exempt by statute or
Florida Administrative Code, or contractual services under
Department of Management Services State term contracts.
Assistants functioning under the Superintendent’s direction may be
authorized to perform these purchasing tasks.
B. In each school district in which the purchasing agent for any public agency is authorized by law to make purchases for the benefit of other governmental agencies within the county, the Board shall have the option to purchase under the current contracts as established for these public agencies at or below the stated unit price, if the purchase is economically advantageous to the Board, and the items purchased conform to the standards and specifications prescribed by the Superintendent.

C. As required by F.S. 1001.42(12)(j), the Board shall receive and consider available prices according to the rules of the Department of Management Services, Division of Purchasing. The Board may use prices established by the Division of Purchasing through its State purchasing agreement price schedule. If Board policy provides for purchasing under this State purchasing program, the conditions for use shall be those imposed on State agencies.

D. In lieu of requesting competitive solicitations from three (3) or more sources, the Board may make purchases at or below the specified prices from contracts awarded by other city or county governmental agencies, other school boards, community colleges, Federal agencies, the public or governmental agencies of any state, or from State university system cooperative bid agreements, when the proposer awarded a contract by another entity permits purchases by a school board on the same terms, conditions, and prices (or below such prices) awarded in the contract, and the purchases are economically advantageous to the Board.

E. Except as authorized by law or rule, competitive solicitations shall be requested from three (3) or more sources for any authorized commodities or contractual services exceeding $50,000.

F. The requirement for requesting competitive solicitations for commodities or contractual services from three (3) or more sources is waived pursuant to F.S. 1010.04(4)(a), for:

1. the purchase by the Board of professional services which shall include artistic services, academic program reviews, lectures by individuals, auditing services not subject to F.S. 218.391, legal services, including attorney, paralegal, expert witness, court reporting, appraisal or mediator services; and health services involving examination, diagnosis, treatment, prevention, medical consultation or administration; and
2. the purchase by the Board of educational services and copyrighted materials including educational tests, textbooks, printed instructional materials, computer software, films, filmstrips, videotapes, DVDs, disc or tape recordings, digital recordings, or similar audio-visual materials, and for library and reference books, and printed library cards where these materials are purchased directly from the producer or publisher, the owner of the copyright, an exclusive agent with the State, a governmental agency or a recognized educational institution.

G. The Board shall have the authority to reject any or all proposals submitted in response to any competitive solicitation and to request new proposals or purchase the required commodities or contractual services in any other manner authorized by this section.

H. Regarding invitations to bid, the Board may accept the proposal of the lowest responsive, responsible proposer. Alternatively, the Board may also award contracts to the lowest responsive, responsible bidder as the primary awardee of a contract and to the next lowest responsive, responsible bidder(s) as alternate awardees from whom commodities or contractual services would be purchased should the primary awardee become unable to provide all of the commodities or contractual services required by the Board during the term of the contract. Multiple awards to the lowest responsive and responsible bidders are permitted when multiple awards are clearly allowed by the bid solicitation documents.

I. Regarding requests for proposals, the Board may award contracts to one (1) or more responsive, responsible proposers in accordance with the selection criteria published in the request for proposal. The Board is not required to request proposals for purchases made from contracts of the Department of Management Services.

J. The purchase of food products except milk, required for the School Food Service Program and other ancillary food operations are exempt from the bid requirements pursuant to State Board of Education Rule F.A.C. 6A-7.0411(2)(i)2.
K. Additional exemptions authorized under certain conditions:

The requirements for requesting competitive solicitations and making purchases for commodities and contractual services are waived pursuant to F.S. 1010.04(4)(a), when the following conditions have been met by the Board:

1. competitive solicitations have been requested in the manner prescribed by this rule, and

2. the Board has made a finding that no valid or acceptable firm proposal has been received within the prescribed time.

When such a finding has been officially made, the Board may enter into negotiations with suppliers of such commodities and contractual services and shall have the authority to execute contracts with such vendors under the terms and conditions the Board determines are in its best interests.

If fewer than two (2) responsive proposals for commodity or contractual services are received, the Board may negotiate the best terms and conditions or decide to reject all proposals. The Board shall document the reasons that negotiating terms and conditions with the sole proposer is in the best interest of the School District in lieu of soliciting new proposals.

L. Commodities or contractual services available from a single source may be exempted from the competitive solicitation requirements. When the Board believes that commodities or contractual services are available only from a single source, the Board shall electronically or otherwise publicly post a description of the commodities or contractual services for a period of at least seven (7) business days. The description must include a request that prospective vendors provide information regarding their ability to supply the commodities or contractual services described. If it is determined in writing by the Board, after reviewing any information received from prospective vendors, that the commodities or contractual services are available only from a single source, the Board shall provide notice of its intended decision to enter a single source contract in the manner specified in F.S. 120.57(3), and may negotiate the best terms and conditions with the single source vendor.
M. The Board may dispense with requirements for competitive solicitations for the emergency purchase of commodities or contractual services when the Superintendent determines in writing that an immediate danger to the public health, safety, or welfare or other substantial loss to the School District requires emergency action. After the Superintendent makes such a written determination, the Board may procure commodities or contractual services necessitated by the immediate danger, without requesting competitive solicitations. However, such an emergency purchase shall be made by obtaining pricing information from at least two (2) prospective vendors, which must be retained in the contract file, unless the Superintendent determines in writing that the time required to obtain pricing information will increase the immediate danger to the public health, safety, or welfare or other substantial loss to the District.

N. A contract for commodities or contractual services may be awarded without competitive solicitations if State or Federal law, a grant or a State or Federal agency contract prescribes with whom the Board must contract or if the rate of payment is established during the appropriations process.

O. A contract for regulated utilities or government-franchised services may be awarded without competitive solicitations.

P. As much as practicable, all purchases shall be based on contracts, purchasing card systems, electronic procurements or purchase orders.

Q. The Board, when acquiring, whether by purchase, lease, lease with option to purchase, rental or otherwise, information technology, as defined in F.S. 282.0041(15), may make acquisitions through the competitive solicitation process or by direct negotiation and contract with a vendor or supplier, as fits the needs of the School District as determined by the Board.

R. Except as otherwise required by statute, the Board, when purchasing insurance, entering risk management programs, or contracting with third party administrators, may use the competitive solicitation process or direct negotiations and contract.
S. Emergency purchases made and approved by the Superintendent or the Superintendent's designated representative. The Superintendent will report all emergency purchases to the Board, as soon as possible.

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 the circumstances creating the emergency and clarifying that immediate action is required to protect the Board's interests. Emergency purchases are divided into two (2) categories as follows:

1. Emergency Purchase Request (Form B FM-3739) estimated expenditure $50,000 and under requires the signature of the initiating administrator, recommended by Director or above and approval by the Assistant Superintendent or above.

2. Emergency Purchase Request (Form A FM-2333) estimated expenditure over $50,000 requires the signature of the initiating administrator, recommended by the Assistant Superintendent or above, or his/her designee(s) and approval by Superintendent or designee. Emergency purchases over $50,000 shall be reported to the Board.

T. Competitive bidding is waived for 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.
U. Non-Purchase Order Invoice Funds Reservation Purchases are purchases for goods and services, expenditures, fund transfers, etc., that are not appropriate for normal competitive purchasing procedures. Only the expenditures listed will be authorized and processed as Non-Purchase Order Invoice Funds Reservation Purchases. Non-Purchase Order Invoice Funds Reservation purchases require the same financial authorization and approval process as purchase requisitions and shopping carts. Those purchases for goods and services, expenditures, fund transfers, etc., that are authorized for Non-Purchase Order Invoice Funds Reservation Purchases are limited to include various types of fund advances, services, reimbursements and purchases, and/or payment for goods and services, which are not appropriate for normal competitive purchasing procedures:

1. Additional Contracted Services (polygraph, court reporting/transcribing, etc.)

2. Admission Fees

3. Association Fees, Professional Association Dues and Charges Distribution of Funds - Athletic Programs, Vending Machine Commissions

4. Facilities Fees, Rentals/Leases and Utilities including monthly utility charges, service and connection fees

5. Fees for Graduation Exercises (non-employees, union charges, etc.)

6. Field Trips

7. Tickets

8. Advance Registration

9. Hotel Accommodations

10. Groceries and Supplies for Home Economics Classes

11. Insurance Policies Reimbursements
The School Board of Miami-Dade County

12. Legal Settlement Payments and bonds
13. License Fees and Agreements
14. Media Advertising (newspaper, radio, television, etc.)
15. Media Programs, Refreshments, Reimbursement - Grant Funds
16. Permit Fees
17. Petty Cash Replenishment
18. Postage Requisitions
19. Property Loss Payment
20. Registration Fees
21. State Fees (retirement, unemployment compensation, etc.)
22. Tax Related Payments
23. Toll Charges for Transportation, Maintenance, Stores and Distribution, and other departments, as may be required
24. Travel Reimbursement for Non-Employees

Purchase Requisitions

District schools, departments, and agencies shall initiate a properly executed purchase requisition, containing authorized approvals of the originating administrator, principal, department or agency head, for the purchase of any and all items desired, except where small purchases, transactions not in excess of $3,000.00 per requisition, and market difficulties, make the cost of some purchases in this manner economically unsound. In those instances, administrative directives or operating manuals may be issued, when deemed necessary, containing the procedures to economically perform the purchasing function within the controls required and authority provided by Florida statute, Florida Board of Education Administrative Rules and Board policies.

Split requisitions, to bypass the approval requirements and/or the bidding process, are specifically forbidden.
Requisitions must contain the appropriate authorized approvals as prescribed by administrative procedures for the SAP system.

Protests

A bidder who wishes to file a bid protest, must file such notice and follow procedures prescribed by F.S. 120.57(3), for resolution.

Protest of Specifications

Any notice of protest of the specifications contained in an Invitation to Bid (ITB) or Request for Proposal (RFP) shall be filed in writing with the Clerk of The School Board of Miami-Dade County, Florida, who shall maintain offices in the School Board Administration Building.

For 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 seventy-two (72) hours after the posting of a solicitation. The Formal Written Protest shall be filed within ten (10) calendar 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 seventy-two (72) hour time period provided by this paragraph.
Posting the Bond

The protesting party shall post a bond in a form consistent with F.A.C. Rule 28-110.005(2). A notice of decision or intended decision shall contain this statement: "Failure to file a protest within the time prescribed in F.S. 120.57(3), or failure to post the bond or other security required by law within the time allowed for filing a bond shall constitute a waiver of proceeding under F.S. Chapter 120."

A. Bond: Commodities (Other than Lease of Space) and Contractual Services (Including Professional Services and Insurance) – Pursuant to F.S. 287.042(2)(c), any person who files an action protesting a decision or intended decision pertaining to a solicitation or contract award shall post with the Board, at the time of filing the formal written protest, a bond secured by an acceptable surety company in Florida, payable to The School Board of Miami-Dade County, Florida, in an amount equal to one percent (1%) of the District's estimate of the dollar value of the proposed contract.

1. The District shall provide the estimated contract amount to the protestor within seventy-two (72) hours (excluding Saturdays, Sundays, and holidays when the District administrative office is closed) after the filing of the Notice of Protest. The estimated contract amount is not subject to protest under this policy or F.S. 120.57(3). In lieu of a bond, the Board may accept a cashier's check or money order in the amount of the bond.

2. The bond shall be conditioned upon the payment of all costs and charges which may be levied against the protestor in the administrative hearing in which the action is brought and in any subsequent appellate court proceeding.

3. Pursuant to F.S. 287.042(2)(c), if, the Board prevails in the administrative hearing process and any appellate court proceedings, it shall be entitled to recover all costs and charges which are included in the final order or judgment, excluding attorneys' fees. Upon payment of such costs and charges by the person protesting the decision or intended decision or contract award, the bond, cashier's check or money order shall be returned to the protestor. If the protestor prevails, the protestor may recover from the Board the costs and charges which are included in the final order or judgment, excluding attorneys' fees.
B. Bond: Competitive Bids for Lease of Space -- Pursuant to F.S. 255.25(3)(c), any person who files an action protesting a decision or intended decision pertaining to a competitive bid for space to be leased by the Board shall post with the Board, at the time of filing the formal written protest, a bond payable to the Board in an amount equal to one percent (1%) of the estimated total rental of the basic lease period or $5,000, whichever is greater. The bond shall be conditioned upon the payment of all costs which may be levied against him/her in the administrative hearing in which the action is brought and in any subsequent appellate court proceeding. If the Board prevails in the administrative hearing process and any appellate court proceedings, it shall recover all costs and charges, which are included in the final order or judgment, excluding attorneys' fees. Upon payment of such costs and charges by the person protesting the award, the bond shall be returned to him/her. If the person protesting the award prevails, the bond shall be returned to that person and s/he shall recover from the Board the costs and charges which are included in the final order or judgment, excluding attorneys' fees.

C. Bond: Construction Purchasing – Construction purchasing is separately governed by Board policy, and persons protesting competitive procurement related to educational facilities shall be required to post a bond in the amount specified in F.S. 255.0516, which also governs recovery of fees and costs including attorneys’ fees.

D. Staying the Procurement Process – Upon timely receipt of the formal written protest petition, and posting of the bond, the solicitation or contract award process shall be stayed until the protest is resolved by final agency action, unless the Board sets forth, in writing, particular facts and circumstances which require the continuance of the solicitation or contract award process in order to avoid an immediate and serious danger to the public health, safety, and welfare.

The Formal Written Protest will be reviewed by Procurement Management Services who will offer the protesting bidder 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 F.S. 120.569 and 120.57. Petitions for hearing on protests pursuant to F.S. 120.569 and 120.57 must be filed according to Board policy on adjudicatory proceedings.
1 Protest of Bid Award

Any letters of protest of an intended award may be filed in writing with the Clerk of the Board who shall maintain offices in the Board Administration Building.

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 seventy-two (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 ten (10) calendar days after filing the Notice of Protest. The protesting bidder shall also be required to post a bond, consistent with this rule. Failure to file a Notice of Protest or failure to file a Formal Written Protest shall constitute a waiver of proceedings under F.S. Chapter 120.57. 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 seventy-two (72) hour time period provided by this paragraph.

The Formal Written Protest will be reviewed by Procurement Management Services, who will offer the protesting bidder 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 F.S. 120.569 and 120.57. Petitions for hearing on protests pursuant to F.S. 120.569 and 120.57 must be filed in accordance with Board policy on adjudicatory proceedings.

21 Receiving and Opening of Bids

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

24 A. Bids are to be submitted to Procurement Management Services or electronically up to the time and on the date specified in the bid documents. Bids received after the date and hour specified in the Bidder Qualification Form will not be considered.

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

1. The District Director, Procurement Management, or an administrator designated by the District Director shall serve as chairperson.
2. A person designated by the District Director, 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, 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. All construction bids shall be opened and tabulated prior to bids being released by the recording secretary.

D. 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 guidelines for receiving bids do not apply to the awarding of bids at Board meetings.

The Recording or Tabulation of Purchasing Bids

The names of bidders, the prices submitted, and such other pertinent data, will be electronically available or entered on a tabulation sheet by Procurement Management Services. This information shall be available as set forth in F.S. 119.07.

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 issued. 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, and abandonment of the requirements, insufficient funds, 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 which become part of the bid.
Irregular or Deviating Bids

In the event that Procurement Management Services 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 Board Attorney.

Award Recommendation

Notice of Intended Action will be posted on the District's website for Procurement bids no later than the Friday preceding the week when the award is scheduled to be made by the Board or Superintendent.

Official Award Date

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

Contract Renewals

The 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.

Legal Basis for Procedures

The procedures for the purchase of commodities and services, and construction of facilities for the District shall comply with the Florida statutes and the Florida Administrative Code.

Bidding

It is the policy of the Board that the Superintendent shall be responsible for estimating needs for items in common use and making quantity purchases. All items, or group of related items that cost in excess of the amount defined in F.A.C. 6A-1.012(6), shall be purchased based on competitive bids, except as otherwise authorized by Florida statutes and/or Florida Administrative Code.
1 Competitive Bidding Requirements

2 Definitions

3 A. The term “competitive solicitation” includes purchasing made through the issuance of an Invitation to Bid, Request for Proposals and Invitation to Negotiate. Competitive solicitations are not required for purchases made through the pool purchase provisions of F.S. 1006.27.

4 B. “Invitation to Bid” is a written solicitation for competitive sealed bids. The Invitation to Bid is used when the Board is capable of specifically defining the scope of work for which a contractual service is required or when the Board is capable of establishing precise specifications defining the actual commodity or group of commodities required.

5 C. “Invitation to Negotiate” is a written solicitation for competitive sealed replies to select one or more vendors with which to negotiate for the procurement of commodities or contractual services. The Invitation to Negotiate is used when the Board determines that negotiations may be necessary for it to receive the best value.

6 D. “Request for Proposals” shall be defined for the purposes of this rule as a written solicitation for competitive sealed proposals. The Request for Proposals is used when it is not practicable for the Board to specifically define the scope of work for which the commodity, group of commodities, or contractual service is required and when the Board is requesting that a responsible vendor propose a commodity, group of commodities, or contractual service to meet the specifications of the solicitation document.

7 E. The term “proposer” includes those vendors submitting bids or responses to a competitive solicitation.

8 The major consideration given to bid evaluations is lowest price meeting specifications.
When the determination is made that a bid is appropriate, the performance specifications and standards requirements shall be spelled out in detail and shall be furnished to Procurement Management. After review, Procurement Management shall issue the Invitation for Bids, including all general and special conditions, and evaluate the bids submitted. The requirements for solicitation and review of bids by the Goal Setting Committee (GSC) shall be followed in all cases. Board approval is required for contracts recommended for award.

For each purchase of more than $50,000, bids shall be requested from three (3) or more sources. Notices of bids shall be electronically posted or may 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 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 (1) or more major, local newspapers or electronically posted at least seven (7) days prior to the bid opening date. This may include, as necessary, major newspapers having circulation representative of the various relevant minority classifications or electronic posting. 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 and the Board Attorney.

A. Written, Telephone, or Electronic Quotations

For each purchase of $50,000 or less and over the minimum quotation threshold established by Procurement Management, staff shall obtain written, telephone, or electronic quotations from three (3) or more sources. If possible, vendors contacted shall include M/WBE vendor participation. If only one (1) of those sources respond with prices, two (2) 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 (3) 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 by written notations or electronic reference 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.

B. Schools making internal fund purchases shall comply with Policy 6610.

Quantity Purchasing--Development of Specifications, Determination of Quantities and Standardization of Supplies and Equipment

A. To help achieve both quality control and the price advantages of quantity purchasing, the administration is directed to:

1. set specifications for goods and services as needed;

2. cite several existing, commercially available "standard brands" that meet those specifications acceptably as examples; and

3. invite vendors to bid on those examples, or equal ones, which the vendors believe to be acceptable according to the specifications.

B. All bid quantities and specifications shall be transmitted to the Division of Procurement Management by the originating department, in writing. The originating department shall also certify to the Division of Procurement Management, in writing, that the specifications for an existing bid (to be rebid) are still appropriate before issuance of the bid. If the specifications are originated by the Division of Procurement Management, it shall follow similar certification procedures.
C. All increases to quantities specified in an existing term bid requiring a supplemental bid award shall be requested in writing by the originating department, countersigned by an administrator reporting directly to the Superintendent identifying the reason why the increase in quantities was unavoidable. If an adequate reason cannot be identified, then the corrective action to be taken by the originating department to prevent a future underestimate of quantities shall be described. A similar procedure will be followed for term bids originated by the Division of Procurement Management.

D. All changes to specifications for an existing bid (to be rebid) or similar bid shall be identified in writing, including the reason for the change, by the originating department or the Division of Procurement Management, if originator.

E. The District Director, Division of Procurement Management, shall initiate procedures to assure the identification of specifications which appear to limit the bidding process to a single vendor. In the event that the District Director has identified such a set of specifications, the originating department shall be required to justify in writing, those specifications which appear to favor a single vendor. This documentation shall be countersigned by an administrator reporting directly to the Superintendent.

Request For Proposals and Professional Services Contracts

For purposes of this rule, professional service is any type of personal service to the District which requires as a condition precedent to the rendering of such service:

A. the obtaining of a license or other legal authorization; or

B. work which can only be performed by one who has achieved a high level of training and proficiency in the work to be performed.
Request for Proposals

The Request for Proposal shall be used when seeking to contract for professional services, and when it is not practicable for the agency to specifically define the scope of work for which the commodity, group of commodities, or contractual service is required and when the agency is requesting that a responsible vendor proposed a commodity, group of commodities, or contractual service to meet the specifications of the solicitation document. A written solicitation includes a solicitation that is electronically posted.

The following process shall be followed for the Request for Proposal:

A. If the cost of the contract is estimated to be more than $50,000 annually:

1. The evaluation committee shall be specified in the Request for Proposal. The committee shall consist of at least: (1) two (2) individuals from the originating bureau/office, however, not more than one (1) of these individuals can be from the requesting department; (2) two (2) individuals from outside the bureau/office; (3) one (1) individual from the Office of Economic Opportunity; and (4) one (1) individual from Procurement Management Services (non-voting). Additional members may be appointed at the discretion of the Superintendent or his/her designee. The committee shall to the extent possible, be ethnically and gender representative.

2. The Goal Setting Committee shall review the Request for Proposal to determine Small Business Enterprise (SBE), Micro Business Enterprise (MBE), Minority/Women Business Enterprise (M/WBE) participation in the project, prior to issuing the Request for Proposals.

3. The Request for Proposal shall be advertised to solicit maximum vendor participation. To enhance Minority/Women Business Enterprise (M/WBE) participation, it is recommended that all advertisements be published and announced in major ethnic publications and organizations, as outlined in applicable Board policies.

4. Board approval of recommendations by the evaluation committee shall be obtained after the evaluation process is completed and prior to the issuance of the contract.
B. If the contract is estimated to cost less than $50,000 annually:

1. There must be evidence that at least three (3) vendors were contacted in writing, and if possible, at least one (1) of these vendors shall be a Minority/Women Business Enterprise.

2. If only one (1) potential vendor is known, an advertisement shall be placed in an appropriate publication that is widely distributed. If no responses are received, the contract can be developed with the one (1) known vendor, in accordance with other established procedures.

C. The Request for Proposal shall include an implementation schedule consisting of the following:

1. Goal Setting Committee

2. Mailing/Posting Date

3. Pre-Proposal Conference (if required)

4. Opening Date and Time Evaluation Criteria

5. Interview Schedule (if required) Award Process

D. The evaluation criteria which shall serve as the basis for recommendations by the evaluation committee shall include, but are not limited to:

1. Conformance to the Proposal Requirements Experience

2. Past Performance

3. Price

4. M/WBE Participation

5. Other Instructions
E. Evaluation Committee Meetings

1. When committees are established to evaluate Request for Proposals, the originating department (chairperson) will conduct the meetings, and ensure that: (1) minutes are recorded; and (2) proper documentation and records of committee actions are maintained. A copy of the minutes shall be forwarded to Procurement Management Services for inclusion in the master file.

2. Subsequent to required oral interviews, and discussions, the evaluation committee will evaluate proposers and prepare a recommendation. The written recommendation and all other pertinent documentation shall be forwarded by the chair of the evaluation committee to Procurement Management Services.

3. The evaluation committee's written recommendation must include the following for inclusion in the master file within Procurement Management Services:
   - Clear Objective of the Request for Proposal
   - Identification of the Committee Members
   - Dates of Committee Meetings and a Brief Synopsis of the General Discussion
   - Dates of the Oral Interviews, if any
   - Name and Location of the Offeror(s)
   - The Evaluation Criteria
   - An Explanation for the Basis of Selection
   - Recommendation of Acceptance of the Offeror(s) Proposal
   - Votes of Committee Members
F. The following exclusions to this rule apply:

1. Contracts for legal services by the Board Attorney and the attorneys supervised by the Board Attorney, contracted third-party claims administration, nonpublic school placements and other services/goods for which selection procedures are provided by State statute, State Board Rule or other Board policy.

2. The Professional Services Contract Committee shall be comprised of three (3) representatives from Senior Staff, two (2) representatives from Education and Curriculum, one (1) representative from the Goal Setting Committee, one (1) representative from the Office of Economic Opportunity (OEO), and nonvoting representatives, from Procurement Management Services, Office of Board Attorney, and Management and Compliance Audits shall meet to consider requests for further exceptions to this rule. Such exceptions may be granted in the case of sole sources, contractors having specific expertise or as otherwise determined by the committee to be in the best interest of the Board. Exceptions recommended by the committee will be submitted to the Board for approval for contracts with an annual estimated cost of more than $50,000.

In instances where the contract is estimated to cost less than $50,000, but more than the threshold established for quotations, and an exception for the procedure outlined above is sought, the contract does not have to be submitted to the Board for approval if the committee has granted an exception pursuant to this policy.

The Board may make further exceptions to this policy on a case-by-case basis.

Identical Prices--Priorities for Award

When identical prices are received from two (2) or more vendors and all other factors are equal, priority for award shall be given to vendors in the following sequence:

A. A business that certifies that it has implemented a drug-free workplace program shall be given preference in accordance with the provisions of F.S. 287.087;

B. Local vendor as defined by Board Policy 6320.05;
C. Certified service-disabled Veteran business;
D. A certified Minority/Women Business Enterprise vendor;
E. The Miami-Dade County SBE/Micro/Minority/Women Business Enterprise vendor;
F. The Broward, Palm Beach or Monroe County SBE/Micro/Minority/Women Business Enterprise vendor;
G. The Broward, Palm Beach or Monroe County vendor, other than the SBE/Micro/Minority/Women Business Enterprise vendor;
H. The Florida vendor who is a SBE/Micro/Minority/Women Business Enterprise vendor;
I. The Florida vendor, other than a Minority/Women Business Enterprise vendor;
J. The Minority/Women Business Enterprise vendor, who, because of lower prices, receives a larger dollar award for other items; and
K. The SBE/Micro/non-Minority/Women Business Enterprise vendor, who, because of lower prices, receives a larger dollar award for other items.

If application of the above criteria does not indicate a priority for award, Board administration shall determine if the award is capable of being split, and, if the vendors will agree to split the award. If the award cannot be split, or the vendors do not agree to split the award, the award will be decided by the toss of a coin. The toss of a coin shall be held publicly, with the tie low bid vendors invited to be present as witnesses and participants. A staff member from the Division of Procurement Management will preside over the coin toss and a member from Internal Audits will observe.

Vendor Preference for Certified Service-Disabled Veteran Business Enterprises

The Board adopts the relevant portions of “The Florida Service-Disabled Veteran Business Enterprise Opportunity Act,” F.S. 295.187, which provides a vendor preference in favor of certified service disabled veteran businesses. The State, through its Department of Management Services, will develop a certification procedure.
In assessing priorities for award, when identical prices are received from two (2) or more vendors and all other factors are equal, priority for award shall be given to a certified service-disabled veteran business enterprise as defined by F.S. 295.187. In the event there are two (2) or more certified-disabled veteran business enterprises entitled to the preference, then the award shall be given to the business having the smallest net worth.

The vendor preference for certified service-disabled veteran businesses shall be subordinate only to the vendor preference for businesses implementing a drug-free workplace.

In adopting a major tenet of the Veterans Entrepreneurship and Small Business Development Act of 1999, (Public Law 106-50), which applies to Federal agencies, the Board goal for participation by service disabled veteran business enterprises shall be established at three percent (3%) of the total value of all prime contract/subcontract awards for each fiscal year.

To the extent that this policy is inconsistent with the provisions of any other Board policy, the provisions of this policy shall supersede.

Performance and Payment Security, Declining a Bid Award, Default and Bonding Company Qualifications

A. Performance Security on Construction Bids and Awards

1. Bid bond of five percent (5%) of the total bid amount is required.

2. In order to encourage participation in construction, remodeling, and renovation projects by small, woman owned, and minority owned businesses, at the option of the Board, no bid security or performance or payment bond shall be required for bids in an amount less than $200,000.
3. Bid awards exceeding $200,000 require a 100% performance and payment security of the award amount. For construction projects costing $200,000 or more, the accepted bidder must deliver performance and payment bonds equal to the contract price, no later than twenty (20) days after the date of award of the contract or Approval of the Guaranteed Maximum Price (GMP) Amendment by the Board. Bonds must be issued by surety companies admitted to do business in the State of Florida and listed in the Federal Register of the U.S. Department of Treasury for Surety Companies Acceptable on Federal Bonds.

Bid security shall be a certified check, cashier's check, Treasurer's check, bank draft, or bid bond acceptable to the Board in a form and manner that is acceptable to the Board.

Should the accepted bidder refuse to enter into the contract or fail to furnish performance and materials and payment bonds, the amount of the bid security may be forfeited to the District.

B. Performance Security on Awards Other than Construction

1. Bid awards of $200,000 or less shall be exempt from performance and payment security.

2. Performance security shall not be required unless otherwise defined in the bid specification. Performance security shall equal 100% of the award amount.
C. Bonding Company Qualifications

Bonds shall be written through a reputable and responsible surety bond agency licensed to do business in the State of Florida and with a surety company or corporation meeting both of the following specifications:

1. Awards Greater than $500,000
   a. A minimum rating in the latest revision of Best's Insurance Reports of:

<table>
<thead>
<tr>
<th>Contract Amount</th>
<th>Minimum Rating by A.M. Best</th>
</tr>
</thead>
<tbody>
<tr>
<td>$200,000.00 to $5,000,000</td>
<td>A, No Minimum Class</td>
</tr>
<tr>
<td>$5,000,000.01 to $10,000,000</td>
<td>A, Class IV</td>
</tr>
<tr>
<td>$10,000,000.01 or more</td>
<td>A, Class V</td>
</tr>
</tbody>
</table>

   b. Current certificate of authority as acceptable surety on Federal Bonds in accordance with the latest edition of the United States Treasury Department Circular 570 entitled "Companies Holding Certificates of Authority as Acceptable Sureties on Federal Bonds and as Acceptable Reinsuring Companies" and shall be accepted for an amount not exceeding the underwriting limitation thereon.

2. Awards of $500,000 or less

Bonds shall be written with a surety company or corporation meeting the qualifications as set forth in Paragraph A.2 above or the qualifications set forth in F.S. 287.0935.
Default by Vendor

A bidder who declines an award shall either (1) pay liquidated damages of five percent (5%) of the unit price bid times the quantity, or $10, whichever is greater, or (2) lose eligibility to transact new business with the Board for a period of fourteen (14) months from the date the Board acts on the withdrawn bid.

A bidder who accepts an award but fails to perform shall either (1) pay liquidated damages of ten percent (10%) of the unit price of the item(s) awarded times the quantity when no purchase order has been issued, ten percent (10%) of the purchase order when a purchase order has been issued or $100, whichever is greater, or (2) lose eligibility to transact new business with the Board for a period of fourteen (14) months from date of termination of award by the Board. The ineligibility shall be applicable to the principals individually and the entity, as well as any other firm in which a principal of a defaulting firm is a principal. If an awardee fails to pay the liquidated damages within fifteen (15) days after it is invoked, the awardee shall lose eligibility to transact new business with the Board for a period of fourteen (14) months from the date of termination of award by the Board. Bidders that are determined ineligible may request a hearing pursuant to F.S. 120.57, Bylaw 0120. The Board reserves the right to waive liquidated damages/loss of eligibility.

Reinstatement of vendors losing eligibility to transact new business with the Board will not be automatic and will be subject to review by the Contractor’s Responsibility Committee. Vendors will be required to submit a request for reinstatement including, but not limited to, information as to their status as a responsible vendor and what steps have been taken to avoid such a situation which caused their suspension as a District vendor. Procurement Management Services will notify the Board of all vendors denied reinstatement, and the reasons for denial.

"Principal" is defined as an officer of a corporation, partner of a partnership, sole proprietor of a sole proprietorship, trustee of a trust, or any other person with similar supervisory functions with respect to any legally organized entity.

Signatures of Superintendent and Designees

The Board authorizes the use of signatures of the Superintendent and his/her designees on behalf of the Board on all contracts, agreements and documents where a signature of the Chair is not required by law or regulation of the Department of Education. All contracts, agreements and documents must be based upon approvals previously adopted and spread upon the minutes of the Board, unless exempted by Board policy.
1 Purchasing Principles

Employees shall be guided by the following principles and standards adopted by the National Association of Purchasing Management:

A. Consider, first, the interest of his/her company (the Board) in all transactions and to carry out and believe in its established policies.

B. Be receptive to competent counsel from his/her colleagues and to be guided by such counsel without impairing the dignity and responsibility of his/her office.

C. Buy without prejudice, seeking to obtain the maximum ultimate value for each dollar of expenditure.

D. Strive consistently for knowledge of the materials and processes of manufacture, and to establish practical methods for the conduct of his/her office.

E. Subscribe to and work for honesty and truth in buying and selling, and to denounce all forms and manifestations of commercial bribery.

F. Accord a prompt and courteous reception, so far as conditions will permit, to all who call on a legitimate business mission.

G. Respect his/her obligations and to require that obligations to him/her and to his/her concern be respected, consistent with good business practice.

H. Avoid sharp practice.

I. Counsel and assist fellow purchasing agents in the performance of their duties, whenever occasion permits.

J. Cooperate with all organizations and individuals engaged in activities designed to enhance the development and standing of purchasing.
Commercial NonAnti-dDiscrimination Program

A. Pursuant to Policy 6465, it is the policy of the Board to promote full and equal business opportunities for all persons doing business with the District by increasing the purchase of goods and services from small businesses within the area of Miami-Dade County.

B. Discrimination against businesses based on sex, race, color, ethnic or national origin, religion, marital status, disability, genetic information, age, political beliefs, sexual orientation, gender, gender identification, social and family background, linguistic preference, pregnancy, and any other legally prohibited basis, is strictly prohibited. No person shall be denied the benefit of, or otherwise discriminated against, on the grounds of sex, race, color, ethnic or national origin, religion, marital status, disability, genetic information, age, political beliefs, sexual orientation, gender, gender identification, social and family background, linguistic preference, pregnancy, and any other legally prohibited basis, in connection with the award and/or performance of contracts or modification of a contract between a vendor or contractor and the Board which contract is paid for, in whole or in part, with monetary appropriations by the Board.

C. The objective of the Commercial NonAnti-dDiscrimination Program is to promote and encourage full and open competition in the District, procurement and purchasing; encourage all District personnel involved with procurement and contracting activities to maintain good faith efforts and appropriate purchasing procedures; to protect the Board from becoming a passive participant in any unlawful discrimination; and to otherwise spur economic development in the public and private sectors of the local economy.

D. Complaints alleging discrimination under this Program may be filed pursuant to Policy 6465.

F.S. 119.07, 120.569, 120.57, 120.57(3), 255.0516, 255.25(3)(c), 282.041(15)
F.S. 287.017, 287.042(2)(c), 287.056, 1001.41(1)(2), 1001.42(12)(j), 1001.42(26)
F.S. 1001.43(10), 1006.27, 1010.04(4)(a)
F.A.C. 6A-1.012, 6A-1.091, 6A-7.0411(2)(i), 28-110.005(2)

Revised 8/7/13
NEW POLICY

6465 - COMMERCIAL ANTI-DISCRIMINATION, DIVERSITY AND INCLUSION

The School Board shall strive to ensure an equal opportunity for all businesses to participate in all District contracts (Contracts) and that District funds are not used to promote, reinforce or perpetuate discriminatory practices. The School Board is committed to fostering an environment in which all businesses are free to participate in business opportunities and to flourish without the impediments of discrimination.

Applicability

This policy is applicable to all Contracts, including but not limited to: Contracts for the design, development, construction, operation and maintenance of school buildings and other buildings and structures owned, leased or used by the District or its contractors, assignees, lessees and licensees (Facilities); Contracts for professional services and Contracts for the purchase of goods, services, supplies and equipment for the District and Facilities.

Discrimination Prohibited

Contractors, vendors and consultants that contract with the District (Contractors), as well as School Board employees involved in the procurement process, (1) shall not discriminate against businesses based on sex, race, color, ethnic or national origin, religion, marital status, disability, genetic information, age, political beliefs, sexual orientation, gender, gender identification, social and family background, linguistic preference, pregnancy, and any other legally prohibited basis, in connection with the award and/or performance of contracts or modification of a contract between a vendor or contractor and the Board which contract is paid for, in whole or in part, with School Board appropriated funds, and (2) shall provide a full and fair opportunity for the participation of small/micro (SMBE), minority and women-owned business enterprises (M/WBE) in Contracts pursuant to Policies 6320 and 6320.02.

Definitions

"Contractors" includes any person, firm, partnership, non-profit corporation, for-profit corporation, limited liability company or other legal entity that contracts with the District.

"Small/micro, minority and women-owned business enterprises" are defined in Policy 6320.02.
Implementation

A. Articulation, Certification and Dissemination of the Policy

The Office of Economic Opportunity (OEO), in conjunction with the School Board Attorney's Office, will develop language to be included in bid solicitations, requests for proposals, and contracts that clearly sets forth the objective of the Policy (Solicitation Language). District employees shall include the Solicitation Language in all bids, public solicitations, requests for proposals, contracts and all communications to potential Contractors, including those who wish to provide professional services to the District. For every bid or proposal submitted, contractors must certify that they will comply with this policy.

The Policy shall be articulated to the public in general, and to each Contractor, assignee, lessee or licensee doing or seeking to do business with the District.

B. Compliance

Substantiated violations of this Policy and the Commercial Anti-Discrimination provisions in Policy 6320 will result in sanctions. A violation of SMBE or MWBE participation requirements under Policy 6320.02 may also be a violation of this policy.

Sanctions

Sanctions for violation of this policy may include suspension, cancellation of the Contract and/or debarment from future contracting opportunities with the District pursuant to Policy 6320.04.

Investigation and Complaint Procedure

Any person or business who has a good faith belief that they have been subjected to prohibited discrimination under this policy may seek resolution through these procedures.

A. Complaints Against Employees

Complaints against employees must be submitted in writing to the Civil Rights Compliance Office (CRC) pursuant to Policy 1362.02. The CRC will follow the procedures in that policy for investigations of these complaints.

B. Complaints Against Contractors
Complaints against businesses must also be submitted in writing to the CRC. All complaints must include the following information to the extent it is available: (1) the identity of the individual or business believed to have engaged in, or is engaging in, prohibited discrimination under this policy, (2) a detailed description of the facts upon which the complaint is based; (3) a list of potential witnesses; and (4) identification of the resolution the complainant seeks. If the CRC determines that the complaint alleges prohibited discrimination, an investigation will be conducted according to these procedures.

The Compliance Officer or designee will conduct an oral interview and prepare a written summary of the oral interview which will be presented to the complainant for verification by signature.

Upon receiving a written complaint, the Compliance Officer will consider, in conjunction with the head of the division or department, whether any action should be taken in the investigatory phase to protect the complainant from further legally prohibited discrimination. In making such a determination, the Compliance Officer should consult the complainant to assess his/her agreement to any action deemed appropriate.

Within three (3) business days of receiving the written complaint of legally prohibited discrimination, the Compliance Officer will inform the individual or company alleged to have engaged in the prohibited conduct that a complaint has been received.

Within five (5) business days of receiving the complaint, the Compliance Officer or a designee will initiate a formal investigation to determine whether the complainant has been subject to prohibited discrimination.

The Compliance Officer or designee will complete an investigation into the allegations of discrimination within forty-five (45) calendar days of receiving the written complaint. The investigation will include:

A. interviews with the complainant;

B. interviews with the respondent;

C. interviews with any other witnesses who may reasonably be expected to have any information relevant to the allegations;

D. consideration of any documentation or other evidence presented by the
complainant, respondent, or any other witness which is reasonably believed to be relevant to the allegations.

At the conclusion of the investigation, the respondent and the complainant will be provided a written report of the findings summarizing the evidence gathered during the investigation and the final determination of the case. If a finding of Probable Cause occurs, CRC will forward the completed investigative report, including the determination of Probable Cause, to the Superintendent to review the findings and make a recommendation for sanctions and final disposition of the case.

Complaints should be submitted as soon as possible after the prohibited conduct occurred while the facts are known and potential witnesses are available, and to ensure the prompt elimination of the conduct in question. Failure on the part of the person or business to initiate and/or follow-up on a complaint in a timely manner may result in the claim being considered abandoned. A contractor who fails to cooperate with the investigation will be subject to the sanctions for violation of this policy.

The complaint and any investigation shall remain confidential and not subject to disclosure under Chapter 119, F.S., until a final determination is made. When a final determination is made, the complaint and any records created or obtained during the investigation will be subject to disclosure as public records under Chapter 119, F.S.

These procedures are not intended to interfere with any person's right to pursue a complaint of legally prohibited discrimination with any state or federal enforcement agency.

**Staff Training**

In all aspects of procurement throughout the District, the School Board shall promote transparency, accountability, diversity and inclusion of all businesses. Because of the multi-racial, multi-ethnic and culturally diverse nature of District staff and this community, the Superintendent shall provide mandatory anti-discrimination, diversity and inclusion training to all District staff involved in any and all District procurement processes.