

Office of Superintendent of Schools
Board Meeting of October 22, 2003

October 16, 2003

Financial Affairs
Edward Marquez, Chief Financial Officer

**SUBJECT: PROPOSED AMENDMENT OF SCHOOL BOARD RULE: INITIAL
 READING 6Gx13- 3C-1.10, PURCHASE APPROVAL**

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

This item is submitted for consideration by the Board to amend the rule in order to satisfy funding requirements related to funds received by the District for Public Technology purchases. The proposed amendment incorporates a requirement from the Florida Department of Management Services, which stipulates that the District will receive and give consideration to the prices available through the use of the program for on-line procurement of commodity and contractual services as referenced in F.S. 287.057(23)(a).

Attached is the Notice of Intended Action and the rule 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 to amend Board Rule 6Gx13- 3C-1.10, Purchase Approval.

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 Rule 6Gx13- 3C-1.10, Purchase Approval.

EM/aay

**REPLACEMENT
C-30**

NOTICE OF INTENDED ACTION

THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA, announced on October 22, 2003, its intention to amend Board Rule 6Gx13- 3C-1.10, Purchase Approval, at its meeting of December 10, 2003.

PURPOSE AND EFFECT: The amendment to the School Board Rule will revise the specific authority for accessing the State of Florida on-line procurement program, 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 December 10, 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 November 18, 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. Edward Marquez
Date: October 14, 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 \$25,000. Purchases in excess of \$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 through the use of the program for on-line procurement of commodities and contractual services under Section 287.057(23)(a), Florida Statutes, under rules of the Department of Management 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 contracts as well as those contracts established by other public agencies within the state, as authorized by Florida Statute 287.056 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) 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 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 Procurement Management Services.

Specific Authority: 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; 1001.07 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
 Technical Change: 5-1-98
 Amended: 4-12-78; 11-19-80; 8-19-87; 12-6-89; 3-6-91; 9-8-93; 8-20-03