

Office of the General Counsel
Walter J. Harvey, General Counsel

SUBJECT: **FINAL READING: PROPOSED AMENDMENTS TO SCHOOL BOARD POLICIES 6110, GRANT FUNDS, 6114, COST PRINCIPLES FOR FEDERAL FUNDS, 6233, DISTRICT BUDGETS, 6320, PURCHASING, 6330, ARCHITECTURAL, ENGINEERING, LANDSCAPE ARCHITECTURAL, LAND SURVEYING, CONSTRUCTION MANAGEMENT, PROGRAM MANAGEMENT AND INSPECTION SERVICES, AND 6480, EXPENDITURES**

COMMITTEE: **FISCAL ACCOUNTABILITY & GOVERNMENT RELATIONS**

LINK TO STRATEGIC PLAN: **EFFECTIVE & SUSTAINABLE OPERATIONAL PRACTICES**

Consistent with the Board's statutory responsibility to periodically review and update policies to conform to legislative changes and District practices, authorization is requested to amend Board Policies 6110, *Grant Funds*, 6114, *Cost Principles for Federal Funds*, 6233, *District Budgets*, 6320, *Purchasing*, 6330, *Architectural*, *Engineering*, *Landscape Architectural*, *Land Surveying*, *Construction Management*, *Program Management and Inspection Services*, and 6480, *Expenditures*.

Policy 6110, *Grant Funds*, is proposed for amendment to conform to latest changes to the United States Education Department General Administrative Regulations (EDGAR). The revisions include the specific requirements for Maintenance of Effort (MOE) and Maintenance of Equity (MOEquity) to be documented and provided at the time of audit of specific funded programs.

Policy 6114, *Cost Principles for Federal Funds*, is proposed for amendment to include the latest changes to the EDGAR, including specific prohibitions regarding costs incurred for telecommunications and video surveillance services or equipment and rules of allowability that apply to equipment and other capital expenditures.

Policy 6233, *District Budgets*, is proposed for amendment as a result of SB 2524 (2022), amending F.S. 1011.62(6), regarding the type of categorical fund expenditures that are permitted when the Board determines appropriations are urgently needed to maintain board-specified academic classroom instruction or to improve school safety.

Policy 6320, *Purchasing*, is proposed for amendment as a result of HB 7049 (2022), creating Florida Statutes, Section 50.0311, *Publication of Advertisements and Public Notices on a Publicly Accessible Website and Governmental Access Channels*, to set forth the requirements for publishing advertisements and notices online. The proposed revisions specify that bid publications may be published on the District's publicly accessible website and that such publications must be in searchable form and indicate the date on which the publication was first on the District's website. The proposed

revisions also conform to HB 1079 (2021), amending F.S. 287.057 to require at least 15 business days for the electronic posting of a description of the commodities or contractual services that are available only from a single source, and amending F.S. 287.056(2), to specify that, where vendors are selected through the formal competitive solicitation process, if the District issues a request for quotes for contractual services for any contract with 25 approved vendors or fewer, the District must issue a request for quote to all vendors approved to provide such contractual services. For any contract with more than 25 approved vendors, the District must issue a request for quote to at least 25 of the vendors approved to provide such contractual services. Use of a request for quote does not constitute a decision or intended decision that is subject to protest under s. 120.57(3). The proposed revisions also conform to EDGAR to require that all Federally-funded contracts in excess of \$2,000 related to construction, alteration, repairs, painting, decorating, etc., of public buildings or public works, comply with the Davis-Bacon and Related Acts prevailing wage requirements.

Policy 6330, *Architectural, Engineering, Landscape Architectural, Land Surveying, Construction Management, Program Management and Inspection Services*, is proposed for amendment to clarify that, pursuant to F.S. 1013.45, the District must retain a registered architect for all construction projects exceeding \$50,000.00 as required by Florida law, except in limited circumstances.

Policy 6480, *Expenditures*, is proposed for amendment to conform to the requirements of HB 921, *Campaign Finance* (2022), amending F.S. 106.113, to prohibit the expenditure of public funds for political advertisement or any other communication sent to electors concerning an issue, referendum, or amendment, including State questions, that is subject to a vote of the electors, irrespective of whether the communication is limited to factual information or advocates for the passage or defeat of an issue, referendum, or amendment. Similar amendments were previously adopted in the Board's policies on political activities.

The policy amendments were drafted in collaboration with, and reviewed by the Superintendent, Cabinet, and District staff. The Notice of Intended Action and policies with strikethroughs and underlines are attached.

The Notice of Intended Action was published in the Miami Daily Business Review on November 21, 2022 and posted in various places for public information and mailed to various organizations representing persons affected by the adopted and amended Board policies and individuals requesting notification. The time to request a hearing or protest the adoption and amendment of these policies has elapsed.

RECOMMENDED:

That The School Board of Miami-Dade County, Florida, amend Board Policies 6110, *Grant Funds*, 6114, *Cost Principles for Federal Funds*, 6233, *District Budgets*, 6320, *Purchasing*, 6330, *Architectural, Engineering, Landscape Architectural, Land Surveying, Construction Management, Program Management and Inspection Services*, and 6480, *Expenditures*, and authorize the Superintendent to file the policies with The School Board of Miami-Dade County, Florida, to be effective January 18, 2023.

NOTICE OF INTENDED ACTION

THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA, announced on November 16, 2022, its intention to amend Board Policies 6110, *Grant Funds*, 6114, *Cost Principles for Federal Funds*, 6233, *District Budgets*, 6320, *Purchasing*, 6330, *Architectural, Engineering, Landscape Architectural, Land Surveying, Construction Management, Program Management and Inspection Services*, and 6480, *Expenditures*, at its meeting of January 18, 2023.

PURPOSE AND EFFECT: Board Policies 6110, *Grant Funds*, 6114, *Cost Principles for Federal Funds*, 6233, *District Budgets*, 6320, *Purchasing*, 6330, *Architectural, Engineering, Landscape Architectural, Land Surveying, Construction Management, Program Management and Inspection Services*, and 6480, *Expenditures*, are proposed for amendment as a result of statutory and regulatory amendments.

SUMMARY: Policy 6110, *Grant Funds*, is proposed for amendment to conform to latest changes to the United States Education Department General Administrative Regulations (EDGAR). The revisions include the specific requirements for Maintenance of Effort (MOE) and Maintenance of Equity (MOEquity) to be documented and provided at the time of audit of specific funded programs. Policy 6114, *Cost Principles for Federal Funds*, is proposed for amendment to include the latest changes to the EDGAR, including specific prohibitions regarding costs incurred for telecommunications and video surveillance services or equipment and rules of allowability that apply to equipment and other capital expenditures. Policy 6233, *District Budgets*, is proposed for amendment as a result of SB 2524 (2022), amending F.S. 1011.62(6), regarding the type of categorical fund expenditures that are permitted when the Board determines appropriations are urgently needed to maintain board-specified academic classroom instruction or to improve school safety. Policy 6320, *Purchasing*, is proposed for amendment as a result of HB 7049 (2022), creating Florida Statutes, Section 50.0311, *Publication of Advertisements and Public Notices on a Publicly Accessible Website and Governmental Access Channels*, to set forth the requirements for publishing advertisements and notices online. The proposed revisions specify that bid publications may be published on the District's publicly accessible website and that such publications must be in searchable form and indicate the date on which the publication was first on the District's website. The proposed revisions also conform to HB 1079 (2021), amending F.S. 287.057 to require at least 15 business days for the electronic posting of a description of the commodities or contractual services that are available only from a single source, and amending F.S. 287.056(2), to specify that, where vendors are selected through the formal competitive solicitation process, if the District issues a request for quotes for contractual services for any contract with 25 approved vendors or fewer, the District must issue a request for quote to all vendors approved to provide such contractual services. For any contract with more than 25 approved vendors, the District must issue a request for quote to at least 25 of the vendors approved to provide such contractual services. Use of a request for quote does not constitute a decision or intended decision that is subject to protest under s. 120.57(3). The proposed revisions also conform to EDGAR to require that all Federally-funded contracts in excess of \$2,000 related to construction, alteration, repairs, painting, decorating, etc., of public buildings or public works, comply with the Davis-Bacon and Related Acts prevailing wage requirements. Policy 6330, *Architectural, Engineering, Landscape Architectural, Land Surveying, Construction Management, Program Management and Inspection Services*, is proposed for amendment to clarify that, pursuant to F.S. 1013.45, the District must retain a registered architect for all construction projects exceeding \$50,000.00 as required by Florida law, except in limited circumstances. Policy 6480, *Expenditures*, is proposed for amendment to conform to the requirements of HB 921, *Campaign Finance* (2022), amending F.S. 106.113, to prohibit the expenditure of public funds for political advertisement or any other communication sent to electors concerning an issue, referendum, or amendment, including State questions, that is subject to a vote of the electors, irrespective of whether the communication is limited to factual information or advocates for the passage or defeat of an issue, referendum, or amendment.

SPECIFIC LEGAL AUTHORITY UNDER WHICH RULEMAKING IS AUTHORIZED: Fla. Stat. ss. 1001.41(1), (2); 1001.42(12); 1001.43(2).

LAWS IMPLEMENTED INTERPRETED OR MADE SPECIFIC: 2 C.F.R. Pt. 200; Fla. Stat. ss. 50.0311; 106.113; 287.056; 287.057; 1011.62; 1013.45.

IF REQUESTED, A HEARING WILL BE HELD DURING SCHOOL BOARD MEETING OF January 18, 2023, 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 December 14, 2022, 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 AMENDED POLICY 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.



Book Policy Manual
Section January 18, 2023 - Final Reading
Title GRANT FUNDS
Code 6110
Status Final Reading

6110 - **GRANT FUNDS**

The School Board intends to derive maximum benefit from education grant and foundation funds and will make as many proposals as will be beneficial to the District.

I. Purpose

The purpose of securing grants is to increase funding for student achievement programs that are consistent with Board initiatives.

- A. A quarterly report listing grant awards under \$250,000 will be transmitted to the Board by the Office of ~~Intergovernmental Affairs, Grants Administration, and Community Engagement (Grants Administration)~~. Schools, Region Centers, and District-level offices shall provide, at a minimum, the funding source, the amount of the grant award, the purpose of the grant-funded program, the length of time the program will be in existence, any required matching funds, and in-kind contributions associated with the grant-funded program.
- B. A Board item will be submitted to the Board seeking acceptance of grant awards of \$250,000 and above. The Board item will include a description of the funding source, an overview of the program funded by the grant award, a summary of program expenditures, the source and details of any required matching funds, and a detailed description of contracts to be awarded using the grant funds. The recommendation for each grant award may be as follows:

That the Board authorizes the Superintendent to:

1. accept a grant award including the funding source, grant award amount, name of program, and funding period;
2. retain funds from the grant in an amount not to exceed the annually negotiated indirect cost rate, as allowed and approved by the Florida Department of Education; and
3. direct Financial Operations to establish appropriations in the amounts approved by the granting agency and to be reported periodically to the Board.

The use of grant monies for partisan political activities and for any discriminatory use is prohibited. All grant funds will be used according to the purposes and policies of the Board and the applicable State and Federal

law. Each draw of grant monies shall be as close as administratively feasible to the related program expenditures.

The Superintendent may seek funds for purposes consistent with this policy and shall develop and update administrative procedures to implement this policy.

II. Grant Proposal Development

- A. All grant proposals must support Board initiatives.
- B. For projects where grant funds will not cover the entire cost of project implementation, additional fund sources must be identified and documented.

III. Grant Administration

- A. The administration of grants will adhere to all applicable Federal, State, local, and grantor rules and regulations, including the terms and conditions of the Federal awards, as well as Board policies and procedures. The District, in recognition of its unique combination of staff, facilities, and experience, shall employ internal controls, including the organizational and management strategies necessary to assure proper and efficient administration of grant awards.
- B. The Superintendent and/or Board Chair, if applicable, are authorized to sign related documents for grant administration, including documents required for submittal of grant proposals.
- C. Employee positions established through the use of grant funding shall terminate if and when the related grant funding ceases.
- D. Program reports including but not limited to audits, site visits, and both annual and final reports shall be provided to the Office of Grants Administration.
- E. All Federal funds received will be used in accordance with the applicable Federal law and regulations and the terms and conditions of the Federal award. Each draw of Federal monies shall be aligned with the established payment process (whether reimbursement, cash advance, or a combination). If funds are permitted to be drawn in advance, all draws will be equal in magnitude as closely as administratively feasible, to the magnitude of the related program expenditures. When restricted, such monies will be used to supplement programs and funding and not to supplant or replace existing programming or current funding.

Maintenance of Effort (MOE) and Maintenance of Equity (MOEquity) requirements of the Federal program will be met in accordance with the requirements of the specific funded program. The District shall maintain appropriate documentation and records to substantiate compliance or to justify allowable exceptions, exemptions, or waivers.

IV. Financial Management

The financial management of grant funds shall be in compliance with all applicable Federal, State, local and grantor rules, regulations, and assurances as well as Board policies and administrative procedures.

The Superintendent shall provide for the following:

- A. Identification, in Board accounts, of all grant awards received and expended and the programs under which they were received. For Federal programs and awards, identification shall include the Catalog of Federal Domestic Assistance (CFDA) title and number, Federal award identification number and year, name of the Federal agency and name of the pass-through entity, as applicable.
- B. Accurate, current, and complete disclosure of the financial results of each Federal award or program in accordance with the reporting requirements of the grant.

- C. Records that identify adequately the source and application of funds provided for Federally-funded activities. These records must contain information pertaining to Federal awards, authorizations, obligations, unobligated balances, assets, expenditures, income and interest and be supported by source documentation.
- D. Effective control over, and accountability for, all funds, property, and other assets. The Board must adequately safeguard all assets and assure that they are used solely for authorized purposes.

Further, the Superintendent shall:

- 1. establish and maintain effective internal controls over the Federal award that provides reasonable assurance that the District is managing the Federal award in compliance with Federal statutes, regulations, and the terms and conditions of the Federal award;
 - 2. comply with Federal statutes, regulations, and the terms and conditions of the Federal award;
 - 3. evaluate and monitor compliance with statutes, regulations, and the terms and conditions of the Federal award;
 - 4. take prompt action when instances of noncompliance are identified including noncompliance identified in audit findings; and
 - 5. take reasonable measures to safeguard protected personally identifiable information and other information the Federal awarding agency or pass-through entity designates as sensitive consistent with applicable Federal, State, local, and tribal laws regarding privacy and obligations of confidentiality.
- E. Comparison of expenditures with budget amounts for each Federal award.
- F. Recordkeeping and written procedures to the extent required as may be required by Federal, State, local and grantor rules, and regulations pertaining to the grant award and accountability, including, but not limited to, the following areas:
 - 1. cash management;
 - 2. allowability;
 - 3. conflict of interest;
 - 4. procurement;
 - 5. equipment management;
 - 6. conducting technical evaluations of proposals and selecting recipients;
 - 7. compensation and fringe benefits; and
 - 8. travel.
- G. Disclosure of any potential conflict of interest and all mandatory violation disclosures potentially affecting the Federal award/grant to the Federal awarding agency or pass-through agency in accordance with applicable Federal policy.

H. Insurance coverage for real property and equipment, if applicable, for such property owned by the Board.

V. Program Income

Program income means gross income earned by a grant recipient that is directly generated by a supported activity or earned as a result of the Federal award during the grant's period of performance.

It includes, but is not limited to, income from fees for services performed, the use or rental of real or personal property acquired under Federal awards, the sale of commodities or items fabricated under a Federal award, license fees and royalties on patents and copyrights, and principal and interest on loans made with Federal award funds. Interest earned on advances of Federal funds is not program income. Except as otherwise provided in Federal statutes, regulations or the terms and conditions of the Federal award, program income does not include rebates, credits, discounts and interest earned on any of them. Additionally, taxes, special assessments, levies, fines and other such revenues raised by a recipient are not program income unless the revenues are specifically identified in the Federal award or Federal awarding agency regulations as program income. Finally, proceeds from the sale of real property, equipment, or supplies are not program income.

Unless it has received prior approval to use a different method or the terms and conditions of the grant authorize a different method, the deduction method of accounting for program income shall be used. Under the deduction method, program income is deducted from total allowable costs to determine the net allowable costs. Program income will only be used for current costs unless otherwise directed by the Federal awarding agency or pass-through entity.

Effective 7/1/11
Revised 10/5/16

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Legal References: 34 C.F.R. 75.707, 76.563, 76.565, 76.707
 2 C.F.R. 200.56, 200.71, 200.77, 200.80, 200.112, 200.302,
 200.307
 2 C.F.R. 200.309, 200.310, 200.313, 200.318-.320,
 200.343(b)&(e)
 Compliance Supplement for Single Audits of State and Local
 Governments
 F.S. 1001.42, 1001.51

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Book	Policy Manual
Section	January 18, 2023 - <u>Final</u> Reading
Title	COST PRINCIPLES FOR FEDERAL FUNDS
Code	6114
Status	<u>Final</u> Reading

6114 - **COST PRINCIPLES FOR FEDERAL FUNDS**

The Superintendent is responsible for the efficient and effective administration of Federal grant funds through the application of sound management practices. Such funds shall be administered in a manner consistent with all applicable Federal, State and local laws, the associated agreements/assurances, program objectives, and the specific terms and conditions of the grant award.

I. Cost Principles

Except where otherwise authorized by statute, costs shall meet the following general criteria in order to be allowable under Federal awards:

- A. Be necessary and reasonable for proper and efficient performance and administration of the Federal award and be allocable thereto under these principles.

To determine whether a cost is reasonable, consideration shall be given to:

1.
 1. whether a cost is a type generally recognized as ordinary and necessary for the operation of the District or the proper and efficient performance of the Federal award;
 2. the restraints or requirements imposed by such factors as sound business practices, arm's length bargaining, Federal, State, local, tribal and other laws and regulations;
 3. market prices for comparable goods or services for the geographic area;
 4. whether the individuals concerned acted with prudence in the circumstances prevailing at the time the decision was made to incur the cost, considering their responsibilities to the District, its employees, its students, the public at large and the State, Federal, and/or local governments; and
 5. whether the cost represents any significant deviation from established practices or policy which may unjustifiably increase the expense.

While Federal regulations do not provide specific descriptions of what satisfies the "necessary" element beyond its inclusion in the reasonableness analysis above, whether a cost is necessary is

determined based on the needs of the program. The expenditure must be demonstrably necessary to achieve an important program objective and address an existing need.

When determining whether a cost is necessary, consideration may be given to whether:

1. the cost is needed for the proper and efficient performance of the grant program;
2. the cost is identified in the approved budget or application;
3. there is an educational benefit associated with the cost;
4. the cost aligns with identified needs based on results and findings from a needs assessment;
5. the cost addresses program goals and objectives and is based on program data.

A cost is allocable to the Federal award if the goods or services involved are chargeable or assignable to the Federal award or cost objective in accordance with the relative benefit received.

This standard is met if the cost:

1. is incurred specifically for the Federal award;
 2. benefits both the Federal award and other work of the District and can be distributed in proportions that may be approximated using reasonable methods; and, is necessary to the overall operation of the District and is assignable to the Federal award in accordance with cost principles mentioned here.
- B. Conform to any limitations or exclusions set forth in the cost principles in 2 C.F.R. Part 200 or in the terms and conditions of the Federal award, [including prohibitions regarding costs incurred for telecommunications and video surveillance services or equipment.](#)
- C. Be consistent with policies and procedures that apply uniformly to both Federally-financed and other School Board activities.
- D. Be accorded consistent treatment. A cost cannot be allocated to a Federal award as a direct cost if any other cost incurred for the same purpose in like circumstances has been allocated to a Federal award as an indirect cost under another award.
- E. Be determined in accordance with generally accepted accounting principles.
- F. Be representative of actual cost, net of all applicable credits or offsets.
- G. Not be included as a match or cost-share, unless the specific Federal program authorizes Federal costs to be treated as such.
- H. Be adequately documented in the case of other costs, all receipts and other invoice materials shall be retained, along with any documentation identifying the need and purpose for such expenditure if not otherwise clear.
1. In the case of personal services, the Superintendent shall implement a system for District personnel to account for time and efforts expended on grant funded programs to assure that only permissible personnel expenses are allocated;
 2. In the case of other costs, all receipts and other invoice materials shall be retained, along with any documentation identifying the need and purpose for such expenditure if not otherwise clear. Costs must be incurred during the approved budget period.
- I. Costs must be incurred during the approved budget period.

The budget period means the time interval from the start date of a funded portion of an award to the end date of that funded portion during which recipients are authorized to carry out authorized

work and expend the funds awarded, including any funds carried forward or other revisions pursuant to the law. Prior written approval from the Federal awarding agency or state pass-through entity may be required to carry forward unobligated balances to subsequent budget periods, unless waived.

II. Selected Items of Cost

The District shall follow the rules for selected items of cost at 2 C.F.R. Part 200, Subpart E, when charging these specific expenditures to a Federal grant. When applicable, District staff shall check costs against the selected items of cost requirements to ensure the cost is allowable. In addition, State, District, and program-specific rules, including the terms and conditions of the award, may deem a cost as unallowable and District personnel shall follow those rules as well.

The following rules of allowability must apply to equipment and other capital expenditures:

- A. Capital expenditures for general-purpose equipment, buildings, and land are unallowable as direct charges, except with the prior written approval of the Federal awarding agency or pass-through entity.
- B. Capital expenditures for special purpose equipment are allowable as direct costs, provided that items with a unit cost of \$5,000 or more have the prior written approval of the Federal awarding agency or pass-through entity.
- C. Capital expenditures for improvements to land, buildings, or equipment that materially increase their value or useful life are unallowable as a direct cost except with the prior written approval of the Federal awarding agency, or pass-through entity.
- D. All Federally-funded contracts in excess of \$2,000 related to construction, alteration, repairs, painting, decorating, etc. must comply with Davis-Bacon prevailing wage requirements.
- E. Allowability of depreciation on buildings, capital improvements, and equipment shall be in accordance with 2 CFR 200.436 and 2 CFR 200.465.
- F. When approved as a direct cost by the Federal awarding agency or pass-through entity, capital expenditures will be charged in the period in which the expenditure is incurred, or as otherwise determined appropriate and negotiated with the Federal awarding agency.
- G. If the District is instructed by the Federal awarding agency to otherwise dispose of or transfer the equipment, the costs of such disposal or transfer are allowable.

III. Cost Compliance

The Superintendent shall require that grant program funds are expended and are accounted for consistent with the requirements of the specific program and as identified in the grant application. Compliance monitoring includes accounting for direct or indirect costs and reporting them as permitted or required by each grant. Costs incurred for the same purpose in like circumstances shall be treated consistently as either direct or indirect costs, but may not be double charged or inconsistently charged as both.

IV. Determining Whether a Cost is Direct or Indirect:

- A. Direct costs are those costs that can be identified specifically with a particular final cost objective, such as a Federal award, or other internally or externally funded activity, or that can be directly assigned to such activities relatively easily with a high degree of accuracy.

These costs may include: salaries and fringe benefits of employees working directly on a grant-funded project; purchased services contracted for performance under the grant; travel of employees working directly on a grant-funded project; materials, supplies, and equipment purchased for use on a specific grant; program evaluation costs or other institutional service operations; and infrastructure costs directly attributable to the program (such as long distance telephone calls specific to the program, etc.).

- B. Indirect costs are those that have been incurred for a common or joint purpose benefitting more than one cost objective, and not readily assignable to the cost objectives specifically benefitted, without effort disproportionate to the results achieved. Costs incurred for the same purpose in like circumstances shall be treated consistently as either direct or indirect costs.

These costs may include: general data processing, human resources, utility costs, maintenance, accounting, etc.

Federal education programs with supplement-not-supplant provisions must use a restricted indirect cost rate. In a restricted rate, indirect costs are limited to general management costs. General management costs do not include divisional administration that is limited to one component of the District, the governing body of the District, compensation of the Superintendent, compensation of the chief executive officer of any component of the District, and operation of the immediate offices of these officers.

The salaries of administrative and clerical staff should normally be treated as indirect costs. Direct charging of these costs may be appropriate only if all of the following conditions are met:

1. Administrative or clerical services are integral to a project or activity;
2. Individuals involved can be specifically identified with the project or activity;
3. Such costs are explicitly included in the budget or have the prior written approval of the Federal awarding agency; and,
4. The costs are not also recovered as indirect costs.

Effort should be given to identify costs as direct costs whenever practical, but allocation of indirect costs may be used where not prohibited and where indirect cost allocation is approved ahead of time by the Florida Department of Education (FLDOE) or the pass-through entity (Federal funds subject to 2 C.F.R. Part 200 pertaining to determining indirect cost allocation). Any limitation or statutory cap on administrative costs applies to the combined claims for indirect costs and direct administration costs.

V. Timely Obligation of Funds

Financial obligations are orders placed for property and services, contracts and subawards made, and similar transactions that require payment. The term "financial obligations" is used when referencing a recipient's or subrecipient's use of funds under a Federal award.

The following table illustrates when funds are determined to be obligated under the U.S. Department of Education regulations:

If the obligation is for:

- A. Acquisition of property - on the date which the District makes a binding written commitment to acquire the property.
- B. Personal services by an employee of the District - when the services are performed.
- C. Personal services by a contractor who is not an employee of the District - on the date which the District makes a binding written commitment to obtain the services.
- D. Performance of work other than personal services - on the date when the District makes a binding written commitment to obtain the work.
- E. Public utility services - when the District receives the services.
- F. Travel - when the travel is taken.
- G. Rental of property - when the District uses the property.
- H. A pre-agreement cost that was properly approved by the Secretary under the cost principles in 2 C.F.R. Part 200, Subpart E - Cost Principles - on the first day of the project period.

VI. Period of Performance

All financial obligations must occur during the period of performance. Period of performance means the total estimated time interval between the start of an initial Federal award when the District is permitted to carry out the work authorized by the grant and the planned end date. The period of performance may include one or more funded portions or budget periods. The Period of performance is dictated by statute and will be indicated in the grant award notification (GAN). As a general rule, State-administered Federal funds are available for obligation within the year for which Congress appropriates the funds. However, the period of performance may vary by grant.

Pre-award costs are those incurred prior to the effective date of the Federal award or subaward directly pursuant to the negotiation and in anticipation of the Federal award where such costs are necessary for efficient and timely performance of the scope of work. Such costs are allowable only to the extent that they would have been allowable if incurred after the date of the Federal award and only with the written approval of the Federal awarding agency. If charged to the award, these costs must be charged to the initial budget period of the award, unless otherwise specified by the Federal awarding agency or pass-through entity.

All grant funds shall be liquidated in accordance with timelines required by federal and state regulations, unless an extension is explicitly authorized. Any funds not obligated within the period of performance or liquidated within the appropriate timeframe are said to lapse and shall be returned to the awarding agency. Consequently, the District shall closely monitor grant spending throughout the grant cycle.

Revised 3/17/21

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Legal References:

- 2 C.F.R. 200.344(b)
- 2 C.F.R. 200.403
- 2 C.F.R. 200.404
- 2 C.F.R. 200.405
- 2 C.F.R. 200.406
- 2 C.F.R. 200.413(a)-(c)
- 2 C.F.R. 200.430(a)
- 2 C.F.R. 200.431(a)
- 2 C.F.R. 200.458
- 34 C.F.R. 75.703
- 34 C.F.R. 76.707
- 34 C.F.R. 76.708(a)

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Book Policy Manual
Section January 18, 2023 - Final Reading
Title DISTRICT BUDGETS
Code 6233
Status Final Reading

6233 - **DISTRICT BUDGETS**

A. Implementation of Budget

Implementation of the official District budget shall give appropriations and reserves the force and effect of fixed appropriations and reserves, and the same shall not be altered, amended, or exceeded except as authorized. Expenditures may exceed the amount budgeted by function or object if the School Board approves the expenditures and amends the budget no later than the annual due date established by the State Department of Education for submitting the District's annual financial report.

In accordance with State law, if the Board finds, and declares in a resolution adopted at a regular meeting of the Board, that the funds received for any of the following categorical appropriations are urgently needed to maintain Board specified academic classroom instruction or improve school safety, the Board may consider and approve an amendment to the School District operating budget transferring the identified amount from the following categorical funds to the appropriate account for expenditure:

1. funds for student transportation;

~~2. funds for research-based reading instruction, but only if the required additional hour of instruction beyond the normal school day for each day of the entire school year has been provided for the students in each low-performing elementary school in the District pursuant to F.S. 1011.62(9), a);~~

~~If the Board transfers funds from this allocation, the Board must also submit to the Department of Education an amendment describing the changes the District is making to its reading plan.~~

~~3-2. _____ funds for instructional materials if all instructional material purchases necessary to provide updated materials that are aligned with applicable state standards and course descriptions and that meet statutory requirements of content and learning have been completed for that fiscal year, but no sooner than March 1st; Funds available after March 1st may be used to purchase computers and device hardware for student instruction that comply with the requirements of F.S. 1001.20(4)(a)1.b.;~~

This transfer can only be recommended by the Superintendent and approved by the Board if all instructional materials necessary to provide updated materials aligned with applicable State standards and course descriptions and that meet statutory requirements of content and learning have been purchased for that fiscal year, and such a transfer is recommended by the Superintendent and approved by the Board no sooner than March 1st of the fiscal year. Pursuant to State law, funds for instructional materials available after March 1st may be used to purchase hardware for student instruction.

~~4.3.~~ _____ funds for the guaranteed allocation related to exceptional education students as provided in F.S. 1011.62(1, e)2;

~~5.4.~~ _____ funds for the supplemental academic instruction allocation as provided in F.S. 1011.62(1, f);

~~6.~~ _____ funds for the Florida digital classrooms allocation as provided in F.S. 1011.62(12);

~~7.5.~~ _____ funds for the Federally connected student supplement as provided in F.S. 1011.62(~~13~~10); and

~~8.6.~~ _____ funds for the class size reduction as provided in F.S. 1001.685.

The Board shall include in its annual financial report to the Department of Education the amount of funds the Board transferred from each of the categorical funds and the specific academic classroom instruction or school safety need for which the transferred funds were expended.

B. General Fund Reserve

The Florida Constitution requires that the District operate under a balanced budget. Because there may be unforeseen circumstances that result in increases or decreases in revenue and/or expenditures, the annual adopted budget shall include a reserve for contingencies.

The Superintendent will target five and one-half percent (5.5%) of the combined assigned and unassigned General Fund fund balance, as a percentage of total General Fund revenues at fiscal year end.

If the projected portion of the general fund's ending fund balance not classified as restricted, committed, or nonspendable in the District's approved operating budget falls below three percent (3%) of projected general fund revenues for two (2) consecutive fiscal years, the Superintendent will reduce the District's administrative expenditures reported pursuant to F.S. 1010.215 in proportion to the reduction in the general fund's ending balance or the reduction in student enrollment, whichever is greater.

The General Fund Reserve use shall be limited to funds unanticipated and for non-recurring emergency needs such as, but not limited to, natural disasters, extraordinary weather events such as hurricanes, floods, tornadoes or unforeseen revenue shortfalls that occur within the year's budget cycle. The General Fund Reserve may not be used to fund settlements or judgments against the District or to fund collective bargaining contracts.

C. Annual Budget

1. The District's tentative budget shall be prepared and submitted according to State law provided that the date of its submission (to the Board) should occur no later than twenty-four (24) days after certification of property value which is approximately July 1st of each year.
2. The District shall advertise its intent to adopt a tentative budget in a newspaper of general circulation within twenty-nine (29) days of certification of property value.

3. Two (2) to five (5) days after the advertisement appears, the District shall hold a public hearing on the tentative budget.
4. A millage levy resolution must be adopted prior to the adoption of the Tentative Budget.
5. The District shall advise the property appraiser of its proposed millage rate, of its rolled-back rate computed pursuant to law and the date/time/place at which a public hearing will be held to consider the proposed millage rate and the tentative budget within thirty-five (35) days of certification of property value.
6. The District shall hold a public hearing to finalize the budget and adopt a millage rate within eighty (80) days of certification of property value but not earlier than sixty-five (65) days after certification.
7. The Superintendent prepares the tentative annual budget and submits it to the Board each year. This tentative budget is comprised of the following fund groups:
 - a. General Fund
 - b. Debt Service Funds
 - c. Capital Outlay Funds
 - d. Special Revenue Funds
 - e. Proprietary Funds
 - f. Trust & Agency Funds

The Board examines the tentative budget submitted by the Superintendent and, following a public hearing may require changes to be made to the budget.

8. Following the public hearing, the Board shall approve the budget, including any changes it has authorized, and the Superintendent shall transmit the budget to the State Commissioner.
9. Expenses may not be incurred in excess of Board-approved appropriations. The following systems and procedures are used to assure that expenditures do not exceed the approved budget:
 - a. A computerized position control system prevents full-time personnel from being hired unless a vacant, authorized staff position exists.
 - b. A computerized financial system uses encumbrance accounting to verify the availability of a budget authorization before a purchase order is processed for most non-salary transactions. Non-salary items which are not subject to this control, such as utilities and employee benefits, are subject to frequent projections and monitoring on a system-wide basis.
 - c. Projections of revenues and expenditures are prepared monthly, beginning in November of each year, in order to provide an early warning of any potentially serious budget problems.
10. The School District's budget, financial records and Board minutes are subject to audit by the Office of the Auditor General.

D. Budget Amendments

1. Amendments to the budget are subject to Board approval whenever total revenues or appropriations within a fund contained in the original budget approved by the Board and submitted to the Department of Education are changed. The Board shall facilitate decentralized budget decisions, both at school and non-school levels. Principals and department heads are authorized to approve expenditures in excess of the amount budgeted for functions and objects if they do not exceed the total budget by fund for a school or non-school cost center. However, the Office of Budget Management may restrict expenditures by function, program or object in order to comply with restrictions of grants, State or Federal requirements, or specific restrictions approved by the Board or the Superintendent.
2. If, as a result of decentralized budget decisions, total District expenditures exceed the budget by function and object as adopted or previously amended by the Board, a budget amendment reflecting such excess expenditures shall be submitted to the Board for approval, not later than the deadline established by State law for amending the budget.
3. Amendments in the Contracted Programs Fund shall be considered approved at the time that the grant application is approved, provided that a budget summary shall accompany the request for Board approval of the grant application, subject to approval of the grantor. The effect of such grant approval shall be reflected in the next budget resolution for the Contracted Programs Fund taken to the Board.

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Legal References: F.S. 1001.42
 F.S. 1001.43
 F.S. 1011.01
 F.S.1011.62
 F.A.C. 6A-1.002
 F.A.C. 6A-1.006

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Book	Policy Manual
Section	January 18, 2023 - <u>Final</u> Reading
Title	PURCHASING
Code	6320
Status	<u>Final</u> Reading

6320 - **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(s) may be the responsibility of the person placing the order.

I. **Definitions**

- A. *Commodity Code* - system of words, numbers, or both, designed to identify and list goods and services by classes and subclasses.
- B. *Competitive Solicitation* - purchasing made through the issuance of an invitation to bid, request for proposals, and invitation to negotiate.
- C. *Construction Services* - all labor, services, and materials provided in connection with the construction, alterations, repair, demolition, reconstruction, or any other improvements to real property.
- D. *Cooperative Purchasing* - action taken when two (2) or more entities combine their requirements to obtain advantages of volume purchases including administrative savings and other benefits. Cooperative procurement efforts may result in contracts that other entities may "piggyback".
- E. *Invitation to Bid* - a written solicitation for competitive sealed bids 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.

- F. *Invitation to Negotiate* - a written solicitation for competitive sealed replies to select one (1) or more vendors with which to negotiate for the procurement of commodities or contractual services used when the Board determines that negotiations may be necessary to receive the best value.
- G. *Originating Department* - the department requesting informal and/or formal solicitations. This department is responsible for the product and/or services sought and for monitoring vendor performance.
- H. *Purchasing Cards (PCards)* - a payment method in which School District requisitioners purchase directly from a vendor using a credit card; a pre-established credit limit is generally established for each card issued.
- I. *Procurement Authority* - documentation establishing that a purchase requisition, PCard, fund reservation, or draft contract adheres to the competitive bidding process or meets criteria for an exemption in this policy.
- J. *Proposer* - vendors submitting bids or responses to a competitive solicitation.
- K. *Request for Information* - a non-binding method whereby a jurisdiction publishes via newspaper, internet, or direct mail its need for input from interested parties for an upcoming solicitation. A procurement practice used to obtain comments, feedback, or reactions from potential suppliers (contractors) prior to issuing of a solicitation. Generally, price is not required. Feedback may include best practices, industry standards, technology issues, etc.
- L. *Request for Proposals* - a written solicitation for competitive sealed proposals 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.
- M. *State Appropriated Funds* - funds appropriated in the Florida General Appropriations Act, excluding Federal funds; does not include general obligation bond funds for capital construction or funds raised through local capital outlay millage.
- N. *Unauthorized Purchases* - an agreement, a commitment, or an order for goods or services, construction, or changes to existing contracts, by any person who does not have an approved purchase order, fund reservation, and/or PCard approval, and includes (1) purchases made without the required competitive bidding, (2) purchases made in advance of an approved purchase order, fund reservation, and/or PCard approval, and (3) changes under existing contracts made by a person who does not have delegated procurement authority.
- O. *Vendor File* - accumulated record of a vendor maintained by Procurement Management Services, including information on the vendor's relationship with the Board, application for inclusion on the bidder's list, record of performance under contracts, and correspondence.
- P. *Small Business Enterprise (SBE), Micro Business Enterprise (MBE), Minority/Women Business Enterprise (M/WBE), and Veteran Business Enterprise (VBE)* are defined by Board Policy 6320.02.

II. 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 Procurement Management Services, 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. Where 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.
- B. 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.
- C. 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.
- D. 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; procurements which render competitive bidding impractical; 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. Purchases for computer applications and software purchases that are not content-based (i.e., contain intellectual content for student instruction) and exceed \$5,000,000 per contract must be formally competitively bid.

E. 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 whatever 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.

- F. 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)~~fifteen (15) business days or the applicable number of days defined in statute. 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.
- G. 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.
- H. A contract for regulated utilities or government-franchised services may be awarded without competitive solicitations.
- I. 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.
- J. 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, pursuant to F.A.C. 6A-1.012(12)(e). After the Superintendent makes such 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.

- K. 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.
- L. 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.
- M. Non-Purchase Order Invoice Funds Reservation Purchases/Check Requests are purchases for goods and services, expenditures, fund transfers, etc., that are not appropriate for normal competitive purchasing procedures. Periodically, these purchases shall be reviewed by procurement staff to ensure compliance with this Board policy. Only the expenditures listed below will be authorized and processed as Non-Purchase Order Invoice Funds Reservation/Check Requests Purchases. Non-Purchase Order Invoice Funds Reservation/Check Requests 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/Check Requests 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 services where a professional service contract is not required or there is no bid in place (polygraph, transcribing, etc.)
 2. employee related admission/registration fees to workshops and conferences that are not expensed to out-of-county travel (all out-of-county travel must be entered through and approved by the travel system process)
 3. association fees, professional association dues, academy certification requirements and District membership to organizations
 4. internal distribution of funds to school athletic programs, vending machine commissions, diplomas, and savings programs
 5. District rental/lease of facilities
 6. all utility service, connection charges, and fees

7. graduation program fees (non-employees, union charges, etc.), including facility rental, equipment requirements, foliage rental, non-employees, and union charges
 8. tickets, and admissions to parks, registration fees for competitions, and hotel accommodations, not done through a travel agency
 9. groceries and supplies for educational use in alternative programs or academic requirements
 10. media advertising (newspaper, radio, television, brochures, pamphlets, etc.)
 11. grant authorized workshop reimbursements including refreshments
 12. petty cash replenishment
 13. postage requisitions
 14. toll charges for authorized District departments
 15. travel reimbursement for non-employees
- N. 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.
- O. The Professional Services Contract Committee (PSCC) may consider requests for exceptions from competitive bidding. The PSCC shall be comprised of representatives, as stated in the attendee requirements for an evaluation committee. The PSCC may grant exceptions for sole source contracts, contractors having specific expertise, or as otherwise determined by the PSCC to be in the best interest of the Board. The PSCC will be used in extenuating circumstances only. For contracts with an annual estimated cost of more than \$50,000, exceptions recommended by the PSCC must be approved by the Board.
- P. Procurement Management Services staff will provide the Board a quarterly written expenditure report of purchases made using the exemptions above and that exceed \$100,000.00. The report shall include date of purchase, vendor, amount, funding source, and purchasing authority.
- Q. 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.
- As much as practicable, all purchases shall be based on contracts, purchasing card systems, electronic procurements, or purchase orders.
- R. 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, 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.
- S. 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. The

Superintendent may authorize designated staff to perform these purchasing tasks.

- T. In accordance with State law and Policy 6327, *Public-Private Partnerships and Unsolicited Proposals*, the Superintendent may submit proposed public-private partnership agreements for qualifying projects, including those resulting from unsolicited proposals, to the Board for consideration. The Superintendent and Board shall evaluate and consider all proposed public-private partnership agreements according to the guidelines in F.S. 255.065 and Policy 6327.

III. **Competitive Bidding Requirement**

A. Invitation to Bid (ITB)

Invitation to Bid may be 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.

The following process shall be followed for an ITB:

1. For contracts estimated to be more than \$50,000 annually:
 - a. In accordance with Board Policy 6320.02, the Goal Setting Committee (GSC) shall review the summary scope of work to determine incentives to be applied under the supervision of Procurement Management Services for vendors certified by the District Office of Economic Opportunity (OEO).
 - b. The ITB shall be advertised to solicit maximum vendor participation. To enhance SBE, MBE, M/WBE, or VBE participation, advertisements may be published and announced in major publications that serve minority communities; however, it shall be posted electronically. [A link to advertisements and notices shall be placed on the District's website accessible through a direct link from the homepage.](#)

[All advertisements and public notices published on a website as provided in F.S. Chapter 50 must be in a searchable form and indicate the date on which the advertisement or public notice first appeared on the website. A public bid advertisement hosted on the District website must include a method to accept electronic bids.](#)
2. The ITB shall include an implementation schedule consisting of the following:
 - a. GSC meetings;
 - b. mailing/posting date;
 - c. pre-proposal conference (if required);
 - d. opening date and time documented by bid opening minutes;
 - e. evaluation and tabulation of bid;
 - f. recommendation of award process to the Board; and
 - g. award notification is provided to all awarded bidder(s).

3. The Board may accept the proposal of the lowest responsive, responsible proposer. Alternatively, the Board may 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 awardee(s) 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. Also, awards shall be made to preapproved vendor(s), where price is not an evaluation factor and bidders are responsive to other factors noted within the solicitation document.
4. When the determination is made that a bid is appropriate, the performance specifications and standard requirements shall be stated in detail and shall be furnished to Procurement Management Services by the originating department. After review, Procurement Management Services shall issue the invitation to 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.
5. For each purchase of more than \$50,000, bids shall be noticed publicly to ensure open competition. A link to advertisements and notices shall be placed on the District's website accessible through a direct link from the homepage. ~~Notices of bids shall be electronically posted or Additional emails~~ may be sent to all vendors on the active vendor mailing list(s) per commodity code(s). This list shall include all SBE, MBE, M/WBE, or VBE vendors, identified by the Board in accordance with Policy 6320.02, for that particular category of goods or services, as well as organizations involved in assisting SBE, MBE, M/WBE, or VBE. 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 those reviewed and approved by the Board attorney's office. All advertisements and public notices published on a website as provided in F.S. Chapter 50 must be in a searchable form and indicate the date on which the advertisement or public notice first appeared on the website. A public bid advertisement hosted on the District website must include a method to accept electronic bids.
6. Any additional evaluation criteria, such as small or micro-business enterprise, minority and/or veteran preferences that are referenced in the solicitation document shall be reviewed and evaluated.

B. Request for Proposals (RFP)

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 solicit request proposals for purchases made from contracts of the Department of Management Services.

The RFP shall be 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.

In acceptance of responses to requests for proposals, district school boards may award contracts to one or more responsive, responsible proposers in accordance with the selection criteria published in the request for proposal. The district school board is not required to

request proposals for purchases made from contracts of the Department of Management Services.

The following process shall be followed for an RFP:

1. For contracts estimated to be more than \$50,000 annually:
 - a. In accordance with Board Policy 6320.02, the GSC shall review the summary scope of work to determine incentives to be applied under the supervision of Procurement Management Services for vendors certified by the District OEO.
 - b. For each purchase of more than \$50,000, solicitations shall be noticed publicly to ensure open competition. A link to advertisements and notices shall be placed on the District's website accessible through a direct link from the homepage. Additional emails may be sent to all vendors on the active vendor mailing list(s) per commodity code(s). This list shall include all SBE, MBE, M/WBE, or VBE vendors, identified by the Board in accordance with Policy 6320.02, for that particular category of goods or services, as well as organizations involved in assisting SBE, MBE, M/WBE, or VBE. 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 those reviewed and approved by the Board attorney's office. All advertisements and public notices published on a website as provided in F.S. Chapter 50 must be in a searchable form and indicate the date on which the advertisement or public notice first appeared on the website. A public solicitation advertisement hosted on the District website must include a method to accept electronic solicitations.

The RFP shall be advertised to solicit maximum vendor participation. To enhance SBE, MBE, M/WBE, or VBE participation, advertisements may be published and announced in major publications that serve minority communities and ~~it~~ shall be posted electronically.

2. The RFP shall include an implementation schedule consisting of the following:
 - a. GSC meetings,
 - b. mailing/posting date,
 - c. pre-proposal conference (if required),
 - d. opening date and time documented by bid opening minutes,
 - e. oral presentations (if required),
 - f. recommendation of award process and to the Board,
 - g. award notification is provided to all awarded bidder(s).

3. The evaluation criteria shall include, but are not limited to:
 - a. technical qualifications and conformance to the proposal requirements experience,
 - b. past performance,
 - c. price considerations,
 - d. small or micro-business, minority, and/or veteran business participation, and
 - e. other instructions specific to RFP.

C. Invitation to Negotiate

The Invitation to Negotiate (ITN) shall be used as a written solicitation for competitive sealed replies to select one or more vendors with which to commence negotiations for the procurement of commodities or contractual services. This method is used when the Board determines that negotiations may be necessary to receive the best value. The following but not limited to criteria may be used to determine if an ITN is the best procurement methodology:

1. The District cannot accurately and completely define the scope of work for the contract, which often occurs for acquisitions of rapidly changing technology, outsourcing, or complex services;
2. The goods or services can be provided in several different ways, any of which could be acceptable, which occurs for acquisition of emerging technologies or complex services;
3. Contractor qualifications and the quality of the goods or services to be delivered can be considered more important than the contract price;
4. The responses may contain innovative solutions that differ from what the District may have requested, and this process allows for those types of alternatives to be considered; and
5. The responses may contain a different level of goods or services than that requested, requiring the negotiation to reduce price or services to match.

Invitations to Negotiate shall follow the process noted above for RFPs.

D. Evaluation Committee Meetings for RFPs and ITNs Only

1. The committee shall consist of at least: 1) two (2) individuals from the originating ~~department~~bureau; ~~however, not more than one (1) of these individuals can be from the requesting office;~~ 2) two (2) individuals from outside the requesting ~~department~~ bureau; 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 Chief Procurement Officer. The committee shall to the extent possible, be ethnically and gender representative.
2. These meetings are subject to F.S. Chapter 286 except for meetings in which the vendors will be making oral presentations and answering questions as part of the solicitation process which shall be closed to the public in accordance with F.S.

286.0113(2)(b)(1).

3. When committees are established to evaluate a RFP or ITN, the Procurement Management Services staff will conduct the meetings, and ensure that: 1) minutes are recorded, and 2) proper documentation and records of committee actions are maintained.
4. The evaluation committee's written recommendation must include the following for inclusion in the master bid file within Procurement Management Services:
 - a. clear objective of the RFP,
 - b. identification of the committee members,
 - c. committee meeting dates and brief synopsis of the general discussion,
 - d. dates of any or all oral presentations,
 - e. name and location of the offeror(s),
 - f. evaluation criteria,
 - g. explanation of the basis for selection,
 - h. recommendation of acceptance of the offeror(s) proposal,
 - i. committee member votes or tabulation results.
5. When the committee evaluation process is complete, the Superintendent will forward the recommendations to the Board for approval before any contract will be issued.

E. Written or Electronic Quotations (Request for Quotes)

Where vendors are selected through the formal competitive solicitation process, if the District issues a request for quotes for contractual services for any contract with 25 approved vendors or fewer, the District must issue a request for quote to all vendors approved to provide such contractual services. For any contract with more than 25 approved vendors, the District must issue a request for quote to at least 25 of the vendors approved to provide such contractual services. Use of a request for quote does not constitute a decision or intended decision that is subject to protest under s. 120.57(3).

For each purchase of \$50,000 or less and over the minimum quotation threshold established by Procurement Management Services, staff shall obtain written, telephone, or electronic quotations from three (3) or more sources. If possible, vendors contacted shall include businesses certified by the District OEO. If only one (1) of the three (3) contacted sources respond with prices, two (2) additional sources, if available, may be contacted for pricing, including, if possible, businesses certified by the District OEO. If no additional prices are obtained from those sources, the award shall be made to the vendor who submitted 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 vendor who submitted the lowest price quotation meeting the bid specifications, with no additional requests from other vendors required.

Quotations obtained shall be electronically attached to or included with the purchase order. by written notations or electronic reference indicating quotation prices and sources, certification by signature or facsimile. The requisition shall be approved for purchase as authorized by the Superintendent. All internal fund purchases shall comply with Policy 6610.

F. Purchasing Thresholds for Competitive Bidding

The following provides a summary of the purchasing thresholds and the corresponding procurement documents allowed to facilitate the purchases:

1. \$0 to \$999 - shall obtain one (1) written/dated quotation with an expiration date.
2. \$1,000 to \$50,000 - shall obtain three (3) written, telephonic, or electronic and dated quotation(s), which may be completed using a Request for Quotes template.
3. Above \$50,000 shall utilize the Invitation to Bid, Invitation to Negotiate, or the Request for Proposal template(s).

G. Development of Specifications, Determination of Quantities, and Standardization of Supplies and Equipment

1. To achieve both quality control and the price advantages of quantity purchasing, the administration shall:
 - a. establish specifications for goods and services as needed;
 - b. identify several existing, commercially available "standard brands" that meet the specifications acceptable as examples; and
 - c. invite vendors to bid on the standard brands identified or their equivalent.
2. All bid quantities and specifications shall be transmitted to Procurement Management Services by the originating department in writing. The originating department shall also certify to Procurement Management Services in writing that the specifications for an existing bid (to be rebid) are still appropriate before issuance of the bid. Specifications originated by Procurement Management Services shall follow similar certification procedures.
3. 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, and 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 Procurement Management Services.
4. 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 Procurement Management Services if it is the originator.
5. The Chief Procurement Officer of Procurement Management Services shall identify specifications which appear to limit the bidding process to a single vendor. In the event that the Chief Procurement Officer has identified such a set of specifications, the originating department shall be required to justify in writing the specifications which appear to favor a single vendor. This documentation shall be countersigned by an administrator reporting directly to the Superintendent.

H. Federal Grants/Funds

Procurement of all supplies, materials, equipment, and services paid for from Federal funds or District matching funds shall be made in accordance with Board Policy 6320.07 and all applicable Federal, State, and local statutes and/or regulations, the terms and conditions of

the Federal grant, School Board policies, and administrative procedures.

The Superintendent shall have and use a procurement and contract administration system in accordance with the requirements of 2 C.F.R. 200.317-200.326 for the administration and management of Federal grants and Federally-funded programs. The District shall maintain oversight that requires contractors to perform in accordance with the terms, conditions, and specifications of their contracts or purchase orders. Except as otherwise noted, procurement transactions shall conform to the provisions of this policy.

All Federally-funded contracts in excess of \$2,000 related to construction, alteration, repairs, painting, decorating, etc., of public buildings or public works, must comply with the Davis-Bacon and Related Acts prevailing wage requirements.

The District shall take affirmative steps, in accordance with Federal regulations, to assure that firms certified pursuant to Board Policy 6320.02, and applicable labor surplus area firms, are used when possible.

The District shall comply with any limitations or exclusions set forth as cost principles in 2 C.F.R. Part 200 or in the terms and conditions of the Federal award.

Domestic Preference for Federal Procurement:

As appropriate and to the extent consistent with law, the District shall, to the extent practicable under a Federal award, provide a preference for the purchase, acquisition, or use of goods, products, or materials produced in the United States. Such requirements shall be included in all subawards including all contracts and purchase orders for work or products under the Federal award.

I. 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, as well as documented procurement authority. Fully approved requisitions will be reviewed and approved by procurement staff to ensure proper application of this policy and will be converted to approved purchase orders for release to the vendors.

J. Unauthorized Purchases

As defined, unauthorized purchases are agreements, commitments, or an order for goods or services or construction, or changes to existing contracts by any District staff and/or school site staff who does not have an approved purchase order, fund reservation and/or PCard approval. Also unauthorized are (1) purchases made without the required competitive bidding, (2) purchases made in advance of an approved purchase order, fund reservation and/or PCard approval, and (3) changes under existing contracts made by a person who does not have delegated procurement authority.

Unauthorized purchases are not binding on the District. Payment for any unauthorized purchase may be the responsibility of the staff person placing the order. Additional

disciplinary action may be taken against the responsible staff person.

For each suspected incident of an unauthorized purchase, procurement staff will notify the staff person(s) involved and request appropriate documentation to authorize or cancel the purchase and to ensure future compliance with this policy.

K. Protests

A bidder, who wishes to file a bid protest, must file such notice and follow procedures prescribed by F.S. 120.57(3) and Board Policy 0133, *Quasi-Judicial Proceedings*, for resolution.

1. Definitions

a. "Decision or intended decision" means:

1. The contents of a solicitation, including addenda (specifications);
2. A determination that a specified procurement can be made only from a single source;
3. Rejection of a response or all responses to a solicitation; or
4. Intention to award a contract as indicated by a posted notice of intended action.

b. "Filed" means that a document has been physically received and time/date stamped by the clerk of the School Board within the time required by this policy.

2. Notice of Decision

Notice of the decision or intended decision to award a bid shall be given by electronic posting of the solicitation, notice of decision, or notice of intended action as indicated on the solicitation documents and/or the District's website. The notice shall contain the following 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 proceedings under F.S. Chapter 120."

3. Protest of Specifications

Any notice of protest of the specifications, as defined in section K.i.1.a. above, contained in an Invitation to Bid (ITB) or Request for Proposal (RFP) or Invitation to Negotiate (ITN) shall be filed accordance with Board Policy 0133, *Quasi-Judicial Proceedings*.

For a protest of the specifications contained in an Invitation to Bid (ITB) or in a Request for Proposals (RFP) or Invitation to Negotiate (ITN), the notice of protest shall be filed in writing with the Clerk of the Board 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. The protesting bidder shall also be required to post a bond consistent with this policy. Failure to file a notice of protest, formal written protest, or bond within the time prescribed shall constitute a waiver of proceedings to challenge the contents of the solicitation (specifications) under F.S. Chapter 120 and this policy. The formal written protest shall state with particularity the facts and law upon which the protest is based. Saturdays, Sundays, and ~~legal~~state holidays shall be excluded in the computation of the

seventy-two (72) hour time period provided by this paragraph.

4. Protest of Bid Award

Any person who is adversely affected by a decision or intended decision as defined in Section K.i.1.b.-d. above, shall file a notice of protest in writing with the Clerk of the Board within seventy-two (72) hours after the posting of the notice of the decision or intended decision, as applicable. A formal written protest shall be filed 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 policy. Failure to file a notice of protest, formal written protest, or bond within the time prescribed shall constitute a waiver of proceedings to challenge the bid award under F.S. Chapter 120 and this policy. The formal written protest shall state with particularity the facts and law upon which the protest is based. Saturdays, Sundays, and legal state holidays shall be excluded in the computation of the seventy-two (72) hour time period provided by this paragraph.

5. Resolving Protests

Bid protests shall be resolved in accordance with the procedures set forth in this policy, Policy 0133, *Quasi-Judicial Proceedings*, and the requirements of F.S., Section 120.57(3) and applicable Florida Administrative Code rules.

Formal written protests will be reviewed by the District's Office of Procurement Management Services, which will offer the protesting bidder the opportunity to meet and discuss the merits of the protest within seven (7) days, excluding Saturdays, Sundays, and State holidays, after receipt of the formal written protest and bond. If the protest is not resolved, the matter may be referred for proceedings, pursuant to F.S. 120.569 and 120.57. Petitions for hearings on protests pursuant to F.S. 120.569 and 120.57 must be filed in accordance with Board Policy 0133, *Quasi-Judicial Proceedings*. Additionally, the requirements contained in F.A.C. Chapter 28-110, apply to the notice of protest, formal written protest, and bond under this policy.

Upon receipt, the Board Clerk shall forward a copy of any notice of protest to the Board. After notice of protest is filed, the Clerk shall notify the Board upon receipt of a formal written protest and shall also notify the Board if no formal written protest is submitted after the statutory time period for filing a formal written protest has elapsed. The Clerk will inform the Board of the final resolution of any formal written protest, regardless of whether the resolution involved a formal administrative hearing. If the resolution involved a formal administrative hearing, the Board will be informed of the results in accordance with Policy 0133, *Quasi-Judicial Proceedings*.

L. 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."

1. Bond: Commodities (Other than Lease of Space) and Contractual Services (Including Professional Services and Insurance) – Pursuant to F.S. 287.042(2)(d), 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.

- a. 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.
 - b. 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.
 - c. 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.
2. 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.
 3. 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.
 4. 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.

M. 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.

1. Except for construction solicitations, 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 bid documents will not be considered.

2. At least two (2) Procurement Management Services staff will be assigned to facilitate the public bid opening.
3. All 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. Notification of timely receipt shall be confirmed by the bid opening minutes and submitted to the Board at the next regularly scheduled Board meeting.

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

N. 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.

O. 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.

P. 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.

Q. 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.

R. Official Award Date

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

S. 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.

T. 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.

U. 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.

V. Identical Prices/Points--Priorities for Award

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

1. 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;
2. Local vendor as defined by Board Policy 6320.05;
3. Certified service-disabled Veteran business;
4. A certified Minority/Women Business Enterprise vendor;
5. The Miami-Dade County SBE/Micro/Minority/Women Business Enterprise vendor;
6. The Broward, Palm Beach or Monroe County SBE/Micro/Minority/Women Business Enterprise vendor;
7. The Broward, Palm Beach or Monroe County vendor, other than the SBE/Micro/Minority/Women Business Enterprise vendor;
8. The Florida vendor who is a SBE/Micro/Minority/Women Business Enterprise vendor;
9. The Florida vendor, other than a Minority/Women Business Enterprise vendor;
10. The Minority/Women Business Enterprise vendor, who, because of lower prices, receives a larger dollar award for other items; and
11. The SBE/Micro/non-Minority/Women Business Enterprise vendor who, because of lower prices, receives a larger dollar award for other items.

In accordance with Florida law, local preference shall not be applied to competitive solicitations for construction services in which fifty percent (50%) or more of the cost will be paid from state-appropriated funds which have been appropriated at the time of the competitive solicitation. The solicitation documents for construction services in this event must disclose that no local preference consideration will be applied.

If application of the above criteria does not indicate a priority for award or cannot be applied by law, 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. The Chief Procurement Officer or a staff member from the Office of Procurement Management will preside over the coin toss and a member from Internal Audits will observe.

Technical
Correction

W. Suspension or Default by Vendor

Board Policy 6320.04, *Contractor Discipline*, governs debarment, suspension, and other

disciplinary action that may be taken by the Board against contractors that violate law and Board policies.

Contractors may be suspended and/or debarred from doing business with the Board or otherwise disciplined. Suspension and debarment are serious sanctions that may only be imposed when it is in the best interest of the Board and to protect the public.

The Superintendent is authorized to develop and implement disciplinary procedures that comply with State and Federal laws, ordinances, codes, regulations, and Policy 6320.04.

X. Bid or Contract Close-Out Period

Procurement staff and the originating department shall notify the vendor of the termination of the bid or contract services, within a reasonable time, requesting any pending reports, documents, data or property generated using district funds during the contract period or invoices to be submitted.

Y. Signatures of Superintendent and Designees on Contracts

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. Each contract shall demonstrate its procurement authority.

Z. Purchasing Cards (PCards)

Pursuant to Board Policy 6424, purchasing cards may be used to make small dollar purchases and acquire materials and supplies as needed for operations.

Purchasing cards shall not be used to circumvent the general purchasing procedures established by State law and Board policy. Purchasing cards shall only be used for expenses in connection with Board-approved or school-related activities, that benefit the District and serve a valid and proper public purpose. Periodically, procurement staff shall review the PCard expenditures to ensure compliance with Board policies and the purchasing threshold requirements.

AA. Purchasing Principles

Employees shall be guided by the following principles and standards adopted by the National Institute of Governmental Purchasing (NIGP):

1. Accountability: taking ownership and being responsible to stakeholders for our actions, essential to preserve the public trust and protect the public interest.
2. Ethics: acting in a manner true to these values, essential to preserve the public's trust.
3. Impartiality: unbiased decision-making and action, essential to ensure fairness for the public good.
4. Professionalism: upholding high standards of job performance and ethical behavior, essential to balance diverse public interests.
5. Service: obligation to assist stakeholders, essential to support the public good.

6. Transparency: easily accessible and understandable policies and processes, essential to demonstrate responsible use of public funds.

Ethics training on ethical standards that are no lower than those prescribed by the State shall be provided to all employees involved in procurement activities for the Board.

Complaints alleging discrimination against any commercial enterprise doing business with the Board must be filed and will be investigated and addressed in accordance with Board Policy 6465.

IV. Maintenance of Procurement Records

The District shall maintain records sufficient to detail the history of all procurements, in accordance with the applicable retention period provided in the Records Retention Schedule of the Florida Department of State, Bureau of Archives and Records Management, or in 2 C.F.R., Part 200 as applicable to Federal grant funds, whichever is longer. These records will include, but are not necessarily limited to, the following: rationale for the method of procurement, selection of contract type, contractor selection, or rejection, and the basis for the contract price (including a cost or price analysis if applicable).

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Legal References:	F.S. 255.0518
	F.A.C. Ch. 28-110
	F.A.C. Ch. 28-106
	F.S. 119.07
	F.S. 120.569
	F.S. 120.57
	F.S. 120.57(3)
	F.S. 255.0516
	F.S. 255.065
	F.S. 255.099
	F.S. 255.0991
	F.S. 255.25(3)(d)
	F.S. 282.0041(20)
	F.S. 286.0113(2)(b)(1)
	F.S. 287.017
	F.S. 287.042(2)(c)

F.S. 287.056
F.S. 595.404
F.S. 1001.41(1)(2)
F.S. 1001.42(12)(j)
F.S. 1001.42(26)
F.S. 1001.43(10)
F.S. 1006.27
F.S. 1010.04(2)
F.S. 1010.04(4)(a)
F.S. 50.0311
F.A.C. 6A-1.012
F.A.C. 5P-2.002
2 C.F.R. 200.317-.326
2 C.F.R. 200.520
Appendix II to 2 C.F.R., Part 200

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Book	Policy Manual
Section	January 18, 2023 - <u>Final</u> Reading
Title	ARCHITECTURAL, ENGINEERING, LANDSCAPE ARCHITECTURAL, LAND SURVEYING, CONSTRUCTION MANAGEMENT, PROGRAM MANAGEMENT AND INSPECTION SERVICES
Code	6330
Status	<u>Final</u> Reading

6330 - ARCHITECTURAL, ENGINEERING, LANDSCAPE ARCHITECTURAL, LAND SURVEYING, CONSTRUCTION MANAGEMENT, PROGRAM MANAGEMENT AND INSPECTION SERVICES

I. Commissioning by the Board

The Superintendent shall recommend professional architectural and engineering consultants to the School Board for commissioning in accordance with State law (F.S. 287.055) and the most current version of the District's procedures for selection of:

- A. architects and engineers
- B. building code consultant – continuing contract
- C. architectural/engineering projects consultant (A/EPC) and special projects consultant (SPC) – continuing contract
- D. land surveying – continuing contract
- E. construction management (CM), CM at-risk and program management (PM) services
- F. other design and construction-related continuing contract services, including but not limited to, construction cost estimating, construction scheduling, job order contracts (JOC) consultant, geotechnical/construction material testing and environmental services, building commissioning agent (Cxa) and HVAC test and balance

The Board shall, in open meeting, commission all project architects and engineers of record, BCCs, A/EPCs, SPCs, CMs, PMs, and other professional services, except for individual projects estimated to cost under the statutory limit, and for study activities for which the fee does not exceed the statutory limit, or for work of a specified nature as outlined in the agreement required by the Board. These size projects and studies may be assigned under Board-commissioned agreements and are defined by F.S. 287.055 as "continuing contracts" with the contract being for a fixed term or with no time limitation except that the contract must provide a termination clause. Firms providing professional services under continuing contracts shall not be required to bid against one another. In these instances, assignment shall be as described below.

II. Professional Services

A. Design and Construction - Related Services Administration

1. "Professional services" as defined in F.S. 287.055 means those services within the scope of the practice of architecture, professional engineering, landscape architecture, or registered surveying and mapping, as defined by the laws of the State, or those performed by any architect, professional engineer, landscape architect, or registered surveyor and mapper in connection with his/her professional employment or practice.
2. In accordance with F.S. 1013.45 (except as otherwise stated in F.S. 481.229), the services of a registered architect must be used for the development of plans for the erection, enlargement, or alteration of any educational facility. Unless otherwise deemed appropriate by the Director of Facilities or as otherwise provided in F.S. 481.229 and 1013.45, contracts for which the construction costs is less than \$50,000 or for the placement or hookup of relocatable educational facilities that conform with standards adopted under F.S. 1013.37 do not require the assistance and services of a registered architect/engineer. Contracts for which the construction cost exceeds \$50,000 shall require the assistance and services of a registered architect/engineer.
3. The Chief Facilities Officer, or his/her successor, or designee, will analyze the project(s) requirements and make the determination regarding which design and construction delivery method to employ.
4. The Chief Facilities Officer, his/her successor, or designee, will also review the project workload and, as necessary, authorize advertisement, evaluation, selection, and recommend the commissioning of additional professional consulting firms pursuant to the Procedures for the Selection of Architects and Engineers, A/EPCs, SPCs or reassigning projects as necessary for expeditious completion of projects.

B. Project Assignment and Procedures for A/EPC, SPC, CM At-Risk Miscellaneous, and Other Design and Construction- Related Professional Services Under Continuing Contracts:

1. The assignment of individual projects shall initially be based upon the District's construction budget. Except in an emergency, prior to commencing the design work, the A/EPC (or SPC) shall develop a detailed cost estimate and, where applicable, completion schedule.
2. For design and construction administration services, the A/EPC (or SPC) shall develop a final scope of work, a preliminary estimate of probable cost, schedule, and other documents in accordance with the A/E Agreement. Other consultants shall provide services as outlined in their respective agreements based on pre-negotiated fee schedules.
3. Projects assigned by the Chief Facilities Officer, his/her successor, or designee, may be discontinued at the discretion of the Chief Facilities Officer.

C. Building Code Inspection and Review Services

Building code consultants (BCC) shall be selected in accordance with the procedures for selection of building code consultant. BCCs must have full architectural and engineering capabilities, however, joint ventures will be considered.

The BCC will not be considered for any architectural/engineering or construction management projects or assignments, either solely or in partnership or joint venture with other individuals or firms, during the tenure as BCC.

The BCC firm(s) commissioned by the Board shall report directly to the District building official. The building official, his/her successor, or designee, shall assign projects (or discontinued services) at his/her discretion.

III. Construction Delivery Method

The Chief Facilities Officer, his/her successor, or designee, shall determine which projects are to be constructed through the utilization of CM, CM at-risk, program management (PM) services, competitive (conventional) bid, design-build or other delivery method. The design-build selection process shall be in accordance with Policy 6331. The delivery method shall be identified at the time the A/E of record is commissioned by the Board.

A. CM or PM

CM services will include the coordination of contractors during the construction phase of project(s). CM at-risk services will include construction management and may include actual construction services. PM services will generally include, but not be limited to, coordination and/or management in providing or procuring planning, design and construction services. Individual projects with construction cost estimates that do not exceed the statutory limit may be assigned under a Board-commissioned CM at-risk miscellaneous continuing contract. F.S. 1013.46 and Section 4.1(8), State Requirements for Educational Facilities ([SREF]), requires school boards to prequalify contractors as eligible to bid on construction or capital improvement projects (refer to Policy 6334 for contractor prequalification procedures).

B. Day Labor Contracts

Pursuant to F.S. 1013.45, projects estimated to cost \$280,000 or less for construction, renovation, remodeling, or maintenance of existing facilities may be approved and assigned to maintenance operations by the Chief Facilities Officer, his/her successor, or designee. Beginning January 2009, this amount shall be adjusted annually based upon changes in the Consumer Price Index. For the purposes of this section, "day labor contract" means a project constructed using persons employed directly by the Board or by contracted labor (such as term contracts).

C. Maintenance is defined as per F.S. 1013.01(12).

IV. Public-Private Partnerships and Unsolicited Proposals

In accordance with State law and Policy 6327, Public-Private Partnerships and Unsolicited Proposals, the Superintendent may submit proposed public-private partnership agreements for qualifying projects, including those resulting from unsolicited proposals, to the Board for consideration. The Superintendent and Board shall evaluate and consider all proposed public-private partnership agreements according to the guidelines in F.S. 255.065 and Policy 6327.

V. Drawings & Specifications for Competitive Bid Construction Delivery Method

Approval of Phase III construction documents is required from the Board, or the Board's authorized review agent before contracts have been let for construction. Directions for obtaining approval are contained in the Florida statutes and in rules of the State Department of Education.

VI. Contracts and Payment of Compensation

- A. The agreement between the professional firm and the Board or such other form of agreement as may be acceptable by the Board and the professional firm, approved by the attorney for the Board, shall be executed covering all construction projects. These contracts shall include statements outlining specific requirements and procedures which must be followed by the professional. The term of the agreement(s) for continuing contracts may be extended at the option of the Board. Procedures for establishing a contract shall be in accordance with the Consultant's Competitive Negotiation Act (CCNA) (F.S. 287.055).
- B. The payment of professional services fees shall be made in accordance with the agreement between the professional and the Board or such other agreements as may be arrived at by the Board and

architect or engineer, as approved by the Attorney for the Board. Compensation to the professional shall be made in accordance with the CCNA.

Effective 7/1/11
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Legal References:

- F.S. 255.065
- F.S. 255.103
- F.S. 287.055
- F.S. 481.229
- F.S. 1001.41(1)(2)
- F.S. 1001.42(22)
- F.S. 1001.43(2)(d)
- F.S. 1001.43(10)
- F.S. 1013.01(12)
- F.S. 1013.355
- F.S. 1013.37
- F.S. 1013.371
- F.S. 1013.38
- F.S. 1013.45
- F.S. 1013.46

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Book Policy Manual
Section January 18, 2023 - Final Reading
Title EXPENDITURES
Code 6480
Status Final Reading

6480 - **EXPENDITURES**

Expenditures from District and all other funds available for the public school program are authorized by law and School Board procedures. The Superintendent is authorized to provide procedures to pay for material, supplies, or services needed for the District that have been properly incurred under the laws, policies and regulations governing purchases and transactions upon proper documentation and review. Such payments will be approved by the Board as provided by law.

~~Neither the District, nor any person acting on behalf of the District, may expend general funds for (1) political advertisement or electioneering communication; (2) purchase of items for personal use (i.e., bottled water, coffee, cups, etc.); (3) food for meetings, awards, hospitality, and special observations; (4) equipment for personal use (i.e., microwaves, refrigerators, coffee makers, etc.); (5) donations to outside parties; (6) individual memberships in professional, educational and community organizations and related activities and services except pursuant to administrative guidelines based on the District's best interests developed by the Superintendent and approved by the Board; (7) taxes, late penalties; and/or (8) beautification and decoration accessories.~~

I. Authorized Expenditures

A. Payment for Goods and Services

The payment of purchase orders, contracts, invoices, and utilities shall be made according to the approved budget and State law.

B. Salary Expenditures

1. No salary payment shall be made except to properly authorized and approved personnel and shall begin at the time employment is authorized.
2. Payments shall be based upon a Board-adopted salary schedule for each position.

3. Employees shall be paid on a bi-weekly basis.
4. Principals and department heads shall be responsible for submitting accurate payroll records according to established time schedules and procedures.

C. Overtime Payment

1. Authorization to work overtime must be by prior approval of the department head or principal.
2. Overtime compensation shall be paid as approved by the Board.

II. Unauthorized Expenditures

Neither the District, nor any person acting on behalf of the District, may expend public funds for (1) purchase of items for personal use (i.e., bottled water, coffee, cups, etc.); (2) food for meetings, awards, hospitality, and special observations; (3) equipment for personal use (i.e., microwaves, refrigerators, coffee makers, etc.); (4) donations to outside parties; (5) individual memberships in professional, educational and community organizations and related activities and services except pursuant to administrative guidelines based on the District's best interests developed by the Superintendent and approved by the Board; (6) taxes, late penalties; and/or (7) beautification and decoration accessories.

Additionally, neither the District, nor any person acting on behalf of the District, may expend general funds for a political advertisement or any other communication sent to electors concerning an issue, referendum, or amendment, including State questions, that is subject to a vote of the electors, irrespective of whether the communication is limited to factual information or advocates for the passage or defeat of an issue, referendum, or amendment. However, this policy does not preclude reporting on official actions of the local government's governing body in an accurate, fair, and impartial manner; posting factual information on a government website or in printed materials; hosting and providing information at a public forum; providing factual information in response to an inquiry; or providing information as otherwise authorized or required by law.

Effective 7/1/11
Revised 11/19/13

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Legal References: F.S. 1001.43, 1001.51, 1012.22, 106.113
F.A.C. 6A-1.014, ~~6A-1.057~~

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