

BALTIMORE COUNTY PUBLIC SCHOOLS

DATE: December 4, 2012

TO: **BOARD OF EDUCATION**

FROM: S. Dallas Dance, Superintendent

SUBJECT: **CONSIDERATION OF THE PROPOSED CHANGES TO BOARD OF EDUCATION POLICY 3210, PURCHASING GUIDES**

ORIGINATOR: Michael G. Sines, Chief Operations Officer

RESOURCE PERSON(S): Barbara Burnopp, Chief Financial Officer

RECOMMENDATION

That the Board of Education approves the proposed changes to Policy 3210. This is the third reading.

Attachment I – Policy Analysis
Attachment II – Policy 3210

**POLICY ANALYSIS FOR
BOARD OF EDUCATION POLICY 3210
PURCHASING GUIDES
RENAMED AS “PURCHASING GUIDELINES”**

Statement of Issues or Questions Addressed

In accordance with Board of Education Policy and Superintendent’s Rule 8130, Policy 3210 is scheduled for review in school year 2012-2013. Policy 3210 outlines the Board’s procedures for the procurement of materials, supplies, equipment, media, and textbooks. Staff is recommending that the policy be revised to: (1) rename the policy to mirror the title of the accompanying Superintendent’s Rule; (2) include a policy statement that reflects the Board’s commitment to the effective and efficient use of all funds; (3) include a compliance section; (4) conform with the Policy Review Committee’s editing conventions.

Cost Analysis and Fiscal Impact on School System

No fiscal impact is anticipated by the revision of this policy.

Relationship to Other Board of Education Policies

1. Board of Education Policy 3125, *School Activity Funds*
2. Board of Education Policy 3200, *Purchases from Minority and Small Business Enterprises*
3. Board of Education Policy 3209, *Purchasing Principles*
4. Board of Education Policy 3225, *Furniture, Fixtures & Equipment*
5. Board of Education Policy 3231, *Vendor Performance Evaluation*
6. Board of Education Policy 3620, *Inventories*
7. Board of Education Policy 6002, *Selection of Instructional Materials*
8. Board of Education Policy 7000 Series, *New Construction*
9. Board of Education Policy 8360 Sub Series, *Ethics Code*

Legal Requirements

1. *Annotated Code of Maryland*, Education Article, §5-112, *Bids*
2. *Annotated Code of Maryland*, Education Article, §7-106, *Textbooks, Materials of Instruction, and Supplies*
3. *Annotated Code of Maryland*, State Finance and Procurement Article, §14-302, *Procurement from Minority Business*
4. COMAR 21.11.03.04, *Minority Business Enterprise Policies*

Other

1. Maryland State Department of Education’s *Financial Reporting Manual for Maryland Public Schools*

Similar Policies Adopted by Other Local School Systems

1. Anne Arundel County Board of Education, Policy DEA, *Purchasing Procedures*
2. Howard County Board of Education, Policy 4050, *Procurement of Goods and/or Services*
3. Montgomery County Board of Education, Policy DJA, *MCPS Procurement Practices*

Draft of Proposed Policy

Attached

Other Alternatives Considered by Staff

No other alternatives were considered.

Timeline

First reading – October 23, 2012

Public comment – November 7, 2012

Third reading/vote – December 4, 2012

NON-INSTRUCTIONAL SERVICES: Purchasing [Services]

Purchasing GUIDELINES [Guides]

I. POLICY STATEMENT

- A. THE BOARD OF EDUCATION OF BALTIMORE COUNTY (BOARD) EXPECTS THAT ALL FUNDS EXPENDED FOR GOODS AND SERVICES SHALL BE USED IN THE MOST EFFECTIVE AND EFFICIENT MANNER POSSIBLE AND THAT THE PROCUREMENT OF MATERIALS, SUPPLIES, EQUIPMENT, LIBRARY MEDIA, AND TEXTBOOKS FOR BALTIMORE COUNTY PUBLIC SCHOOLS (BCPS) WILL BE CONDUCTED IN ACCORDANCE WITH THE LAWS OF THE STATE OF MARYLAND.

II. [1].Procedures

- A. The Office of Purchasing, serving as the designated agent of the Board [of Education of Baltimore County (Board)], shall administer all procurement activities in accordance with STATE LAW [all regulations and statutes as provided by the *Annotated Code of Maryland*, Education Article], BOARD [the] policies [of the Board], [and the] Superintendent's Rules, AND SCHOOL SYSTEM PROCEDURES.
- B. The Office of Purchasing shall provide for the procurement of goods and services through bids and contracts;[, a] requisitionS/purchase orderS [process];[, use of a] procurement cards;[, the issuance of] published catalogs of operational and instructional supplies, equipment, media, and textbooks;[,] and through the electronic transmission of requisitions and purchase orders.
- C. THE OFFICE OF PURCHASING WILL ENCOURAGE MINORITY BUSINESS ENTERPRISE PARTICIPATION IN ALL CONTRACTS.
- D. THE OFFICE OF PURCHASING WILL ENCOURAGE AND SOLICIT THE USE OF GREEN PRODUCT CLEANING SUPPLIES.

III. [2.] Formal Bids

- A. IN ACCORDANCE WITH §§5-112 AND 7-106 OF THE EDUCATION ARTICLE, formal, advertised bids shall be obtained for all construction and renovation projects AND for the purchase of equipment and supplies, excluding books and other materials of instruction and emergencies[, in accordance with §5-112 and §7-106, *Annotated Code of Maryland*, Education Article].
- B. The Board shall reserve the right to waive any INFORMALITY [informalities] in all bids; [and to] reject any or all bids, [and to] re-advertise for new proposals, and [to] utilize contracts awarded or negotiated by other governmentAL agencies.

IV. [3.] Award of Contracts

- A. The Board shall accept contract recommendations for consideration at its regularly scheduled meeting. The Board reserves the right to approve, defer, or deny an award of contract. Staff shall take all necessary action to observe and enact the decision of the Board.
- B. In approving contract recommendations, the Board may authorize the addition of a percentage of the overall project or award value as a contingency fee or change order allocation. Expenditure of said funds shall be closely monitored by staff.
- C. The Superintendent shall establish and publish procedures for bidders and/or vendors to appeal contract-related decisions.

V. [4.] Informal Bids and Price Solicitations

- A. The Office of Purchasing shall have the option to issue bids, requests for proposals, or solicit price quotations for any requirements that do not require formal bids. This action shall be based upon the best interest of the school system, value of the purchase, its function, the length of the contract, the need to ensure the vendor's performance, to maintain reliable sources of supply, and to encourage a competitive buying atmosphere.

VI. [5.] Relations with Vendors

- A. The Office of Purchasing shall encourage fair and equal treatment of all prospective vendors and bidders and shall be consistent with the practices of the Board. Understanding, confidence, respect, and fairness are the foundation for the policy of the Board in its relationship with vendors.

VII. IMPLEMENTATION

- A. THE BOARD DIRECTS THE SUPERINTENDENT TO IMPLEMENT THIS POLICY.

Legal ReferenceS: *Annotated Code of Maryland*, Education Article §5-112, *Bids*
Annotated Code of Maryland, Education Article §7-106, *Textbooks, Materials of Instruction, and Supplies*
ANNOTATED CODE OF MARYLAND, STATE FINANCE AND PROCUREMENT ARTICLE, §14-302, PROCUREMENT FROM MINORITY BUSINESS
COMAR 21.11.03.04, *MINORITY BUSINESS ENTERPRISE POLICIES*

Related Policies: BOARD OF EDUCATION POLICY 3125, *SCHOOL ACTIVITY FUNDS*
BOARD OF EDUCATION POLICY 3200, *PURCHASES FROM MINORITY AND SMALL BUSINESS ENTERPRISES*
BOARD OF EDUCATION POLICY 3209, *PURCHASING PRINCIPLES*
BOARD OF EDUCATION POLICY 3225, *FURNITURE, FIXTURES & EQUIPMENT*
Board of Education Policy 3231, *Vendor Performance Evaluation*
BOARD OF EDUCATION POLICY 3620, *INVENTORIES*
Board of Education Policy 6002, *Selection of Instructional Materials*
Board of Education Policy 7000 Series, *New Construction*
BOARD OF EDUCATION POLICY 8360 SUB SERIES, *ETHICS CODE*

Policy
Adopted: 09/18/68
Revised: 07/12/84
Revised: 08/10/93
Revised: 07/13/99
Revised: 10/02/07
REVISED: _____

Board of Education of Baltimore County