DATE: October 22, 2013
TO: BOARD OF EDUCATION
FROM: S. Dallas Dance, Superintendent
SUBJECT: REPORT ON THE PROPOSED CHANGES TO BOARD OF EDUCATION POLICY 3215, CONTRACT EXECUTION

ORIGINATOR: Michael G. Sines, Chief Operation Officer

RESOURCE PERSON(S): Barbara Burnopp, Executive Director, Fiscal Services

RECOMMENDATION

That the Board of Education reviews the proposed changes to Policy 3215. This is the first reading.

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Attachment I – Policy Analysis
Attachment II – Policy 3215
**POLICY ANALYSIS FOR**
**BOARD OF EDUCATION POLICY 3215**
**CONTRACTS**

*RENA ME D AS, “CONTRACT EXECUTION”*

**Statement of Issues or Questions Addressed**
In accordance with Board of Education Policy and Superintendent’s Rule 8130, Policy 3215 is scheduled for review in school year 2013-2014. Policy 3215 establishes guidelines for the approval of contracts and agreements on behalf of the school system. Staff has reviewed Policy 3215 in connection with Policy 3240. Upon review, staff has recommended that Policy 3240 be deleted, with essential portions of Policy 3240 that relate to the modification of contracts be transferred to Policy 3215. Staff is recommending that the policy be revised to: (1) rename it; (2) include a policy statement that includes the Board’s right to authorize modifications to the contract documents after execution of the contract; (3) establish guidelines for the execution of contracts and contract modifications; (4) include a statement that clearly indicates that no work shall be initiated until a contract has been executed and a purchase order issued; (5) include an implementation section; and (6) 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 3160, *School-Sponsored Activities*
2. Board of Education Policy 3210, *Purchasing Guidelines*
4. Board of Education Policy 5330, *Social Events*
5. Board of Education Policy 7000 Series, *New Construction*

**Legal Requirements**
1. *Annotated Code of Maryland, Education Article §5-112, Bids*

**Similar Policies Adopted by Other Local School Systems**

**Draft of Proposed Policy**
Attached
Other Alternatives Considered by Staff
Staff considered eliminating the policy, but felt that the policy is a necessary component for providing direction to the Superintendent and to school system vendors.

Timeline
First reading – October 22, 2013
Public comment – November 5, 2013
Third reading/vote – December 3, 2013
NON-INSTRUCTIONAL SERVICES: Purchasing

Contract[s] EXECUTION

I. POLICY STATEMENT

A. THIS POLICY IS INTENDED TO ENSURE THAT CONTRACTS FOR THE ACQUISITION OF GOODS AND SERVICES ON BEHALF OF BALTIMORE COUNTY PUBLIC SCHOOLS (BCPS) ARE PROPERLY EXECUTED BY AUTHORIZED OFFICIALS.

B. FOLLOWING THE EXECUTION OF A CONTRACT, THE BOARD OF EDUCATION OF BALTIMORE COUNTY (BOARD) RESERVES THE RIGHT TO AUTHORIZE MODIFICATIONS TO THE CONTRACT DOCUMENTS. [With respect to the award and execution of a contract for expenditures approved by the Board of Education of Baltimore County (Board), the Superintendent shall establish administrative rules wherein necessary contracts and agreements shall be executed to reflect the range of equipment, supplies, commodities, services, including construction or renovation projects, regardless of the funding source.]

II. GUIDELINES

A. CONTRACTS OR CONTRACT MODIFICATIONS IN EXCESS OF $500,000 SHALL BE EXECUTED BY THE BOARD PRESIDENT AND THE SUPERINTENDENT.

B. CONTRACTS OR CONTRACT MODIFICATIONS OF $500,000 OR LESS MAY BE EXECUTED BY THE SUPERINTENDENT OR HIS/HER DESIGNEE.

C. NO VENDOR, CONSULTANT, OR CONTRACT MANAGER SHALL INITIATE WORK UNTIL A CONTRACT HAS BEEN PROPERLY EXECUTED AND A PURCHASE ORDER HAS BEEN ISSUED BY BCPS.

[The rules shall provide for the issuance of a contract or agreement to document the scope, surety, responsibilities of the parties, terms and conditions of performance, and authorization for payment.]
III. IMPLEMENTATION

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

B. WITH RESPECT TO THE AWARD AND EXECUTION OF A CONTRACT FOR EXPENDITURES APPROVED BY THE BOARD, THE SUPERINTENDENT MAY ESTABLISH OTHER ADMINISTRATIVE RULES HE DEEMS APPROPRIATE TO DOCUMENT THE SCOPE, SURETY, RESPONSIBILITY OF THE PARTIES, TERMS AND CONDITIONS OF PERFORMANCE, AND AUTHORIZATION FOR PAYMENT.

LEGAL REFERENCES:  ANNOTATED CODE OF MARYLAND, EDUCATION ARTICLE §5-112, BIDS

RELATED POLICIES:  BOARD OF EDUCATION POLICY 3160, SCHOOL-SPONSORED ACTIVITIES
                    BOARD OF EDUCATION POLICY 3210, PURCHASING GUIDELINES
                    BOARD OF EDUCATION POLICY 5330, SOCIAL EVENTS
                    BOARD OF EDUCATION POLICY 7000 SERIES, NEW CONSTRUCTION
                    BOARD OF EDUCATION POLICY 8360 SUB SERIES, ETHICS CODE

Policy Board of Education of Baltimore County
Adopted: 09/25/69
Revised: 07/13/99
Revised: 08/12/08
REVISED: _________