

BALTIMORE COUNTY PUBLIC SCHOOLS

DATE: December 3, 2013

TO: **BOARD OF EDUCATION**

FROM: S. Dallas Dance, Superintendent

SUBJECT: **CONSIDERATION OF 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 approves the changes to Policy 3215. This is the third reading.

Attachment I – Policy Analysis
Attachment II – Policy 3215

**POLICY ANALYSIS FOR
BOARD OF EDUCATION POLICY 3215
CONTRACTS
RENAMED 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*
3. Board of Education Policy 3240, *Modification of Award of Contract* (Proposed for deletion).
4. Board of Education Policy 5330, *Social Events*
5. Board of Education Policy 7000 Series, *New Construction*
6. Board of Education Policy 8360 Sub Series, *Ethics Code*

Legal Requirements

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

Similar Policies Adopted by Other Local School Systems

1. Anne Arundel County Board of Education, Policy DE, *Purchasing Authority*
<http://www.aacps.org/aacps/boe/board/newpolicy/Policies.asp>
2. Montgomery County Board of Education, Policy DJA, *MCPS Procurement Practices and Bid Awards*
<http://www.mcps.k12.md.us/departments/policy/>
3. Harford County Board of Education, Policy 16-0002-000, *Contracts*
<http://www.hcps.org/BOE/PoliciesProcedures/boardpolicymanual.aspx>

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: _____