

BALTIMORE COUNTY PUBLIC SCHOOLS

DATE: December 3, 2013

TO: **BOARD OF EDUCATION**

FROM: S. Dallas Dance, Superintendent

SUBJECT: **CONSIDERATION OF THE PROPOSED DELETION OF BOARD OF EDUCATION POLICY 3240, MODIFICATION OF AWARD OF CONTRACT**

ORIGINATOR: Michael G. Sines, Chief Operations Officer

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

RECOMMENDATION

That the Board of Education approves the proposed deletion of Policy 3240.
This is the third reading.

Attachment I – Policy Analysis
Attachment II – Policy 3240

**POLICY ANALYSIS FOR
BOARD OF EDUCATION POLICY 3240
MODIFICATION OF AWARD OF CONTRACT**

Statement of Issues or Questions Addressed

In accordance with Board of Education Policy and Superintendent's Rule 8130, Policy 3240 is scheduled for review in school year 2013-2014. Policy 3240 provides that the Board reserves the right to authorize modifications of previously approved contracts. Staff is recommending that the policy be deleted. The policy is not required by statute or regulation. More importantly, the Office of Purchasing possesses procedures for the modification of award of contracts and change orders. As a result, staff does not believe that the policy is required.

Cost Analysis and Fiscal Impact on School System

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

Relationship to Other Board of Education Policies

1. Board of Education Policy 3210, *Purchasing Guidelines*
2. Board of Education Policy 3215, *Contracts*
3. Board of Education Policy 7000 Series, *New Construction*
4. Board of Education Policy 8360 Sub Series, *Ethics Code*

Legal Requirements

1. None

Similar Policies Adopted by Other Local School Systems

1. Montgomery County Board of Education, Policy FEA, *Construction Change Order Policy* <http://www.mcps.k12.md.us/departments/policy/>
2. Prince George's County Board of Education, Policy 7430, *Change Orders* <http://www1.pgcps.org/generalcounsel/boardpolicies/bp0000.aspx>

Draft of Proposed Policy

Attached

Other Alternatives Considered by Staff

Staff considered revising the policy, but determined that deletion was appropriate.

Timeline

First reading – October 22, 2013

Public comment – November 5, 2013

Third reading/vote – December 3, 2013

NON-INSTRUCTIONAL SERVICES: Purchasing

Modification of Award of Contract

- I. Following the execution of a contract, the Board of Education of Baltimore County (Board) reserves the right to authorize modifications in the scope of work outlined in the contract documents. Such modifications are or may be known as: Rescission of a Contract, Extension of a Contract, or Issuance of Change Orders. Modifications shall be subject to approval if the modification is equal to or exceeds the statutory bid limit, or if the modification exceeds the contingency allocation originally approved. Modifications shall be subject to approval by the Superintendent if the modification is less than the statutory bid limit or if greater than the statutory bid limit as long as the contingency allocation originally approved is not exceeded.
- II. All modifications of the award of contracts shall take into consideration the availability of funds (capital or operating budget) for the project or the purchase.
- III. The Superintendent shall establish rules for modification of contract documents in accordance with this policy.

Legal Reference: *Annotated Code of Maryland*, Education Article, §5-112

Policy

Board of Education of Baltimore County

Adopted: 1/11/74

Revised: 10/22/87

Revised: 7/13/99

Revised: 8/12/08]