

NON-INSTRUCTIONAL SERVICES: Purchasing

CONTRACT EXECUTION [Contracts]

I. PURPOSE

TO IMPLEMENT POLICY 3215 BY ESTABLISHING RULES FOR THE EXECUTION OF CONTRACTS AND THE MODIFICATION OF CONTRACT DOCUMENTS ON BEHALF OF BALTIMORE COUNTY PUBLIC SCHOOLS (BCPS).

II. APPLICABILITY

THIS RULE GOVERNS ALL CONTRACTS AND MODIFICATIONS THAT CREATE A BINDING OBLIGATION UPON THE BOARD OF EDUCATION OF BALTIMORE COUNTY (BOARD) OR BCPS.

III. RESPONSIBILITY

THE SUPERINTENDENT HAS DESIGNATED THE OFFICE OF PURCHASING WITH THE RESPONSIBILITY FOR OVERSEEING CONTRACT AUTHORIZATION AND PROCUREMENT ACTIVITIES ON BEHALF OF BCPS, AND FOR ESTABLISHING RELATED PROCEDURES.

[I. Procedure

A. Upon approval of an award of contract by the Board of Education of Baltimore County (Board), a written agreement shall be executed by the parties. The agreement will reflect the parameters of the bid process, the bid specifications, including bonding and all required certificates and affidavits, the proposal, and any related addenda.

B. The agreement will also reflect the scope of the project, performance standards, time, responsibilities of the parties, etc., for any contract or agreement designed and executed resulting from the qualification and selection process of a construction manager or a consultant.

C. Written agreements may be deferred in those instances when all pertinent data for the purchase of a commodity is identified within the structure of the purchase order document(s). Said document(s) shall reference the formal bid/quote process by bid/quote number and Board approval date,

when applicable.

II. Detailed Provisions – Construction Contracts

A. County Funded

A contract for construction, renovation or demolition, for which formal bids are required, shall include, in addition to the agreement, all design drawings relating to the project. These are known as the contract documents.

B. State Funded

State funded contracts for construction or renovation will also contain minority business participation documents and wage labor rates, where required in accordance with the procedures of the State of Maryland Interagency Committee on Public School Construction. ]

IV. EXECUTION OF CONTRACTS [III. Signing of Agreement Awarding Contract]

A. THE SUPERINTENDENT DESIGNATES TO THE PURCHASING MANAGER THE AUTHORITY TO EXECUTE ALL CONTRACTS OF \$500,000 OR LESS ON HIS BEHALF, UNLESS THE CONTRACT IS ASSOCIATED WITH THE EXPENDITURE OF SCHOOL ACTIVITY FUNDS.

B. THE SUPERINTENDENT DESIGNATES TO THE SCHOOL PRINCIPAL THE AUTHORITY TO EXECUTE CONTRACTS RELATED TO THE EXPENDITURE OF SCHOOL FUNDS OR MONIES PAID BY PARENTS AND/OR STUDENTS FOR SCHOOL-SPONSORED ACTIVITIES AND SOCIAL EVENTS.

[Signatories to the written agreement shall include:

A. Contracts that exceed \$100,000

1. President, Board of Education
2. Secretary-Treasurer, Board of Education
3. Attorney as to Form and Legal Sufficiency
4. Award Bidder, Consultant or Construction Manager
5. Witness to Signature

B. Contracts less than or equal to \$100,000

1. Purchasing Manager
2. Attorney as to Form and Legal Sufficiency
3. Award Bidder, Consultant or Construction Manager
4. Witness to Signature]

[IV. Initiation of Work

The vendor, consultant, or contract manager shall not initiate work until the contract document or agreement has been and a formal purchase order has been issued by BCPS Baltimore County Public Schools (BCPS).

V. Sole Source

A contract for a sole source may be awarded when the requesting staff has determined to the satisfaction of the Office of Purchasing that the requirement is only available from a single source. Staff shall provide appropriate justification for sole source procurement which may include:

- A. When only one source exists which meets the requirements;
- B. When the compatibility of equipment, accessories, or replacement parts is the paramount consideration;
- C. When a sole vendor's product is needed for trial use or testing; OR
- D. When certain public utility services are to be procured and only one source exists.

B. Price competition shall be solicited if the requirement can be obtained from more than one source.]

V. [VI.] Emergency Expenditures

A. The Office of Purchasing may issue a purchase order for emergency requirements when the requesting staff has demonstrated that any delay would endanger public health and safety for the continued operation of a facility. Emergency circumstances may also be present when the requirement must be satisfied with immediate action that does not provide sufficient time to meet the statutory requirements for competition and award to avoid the termination of essential services.

B. Any action resulting in an emergency expenditure which meets or exceeds

the statutory bidding requirement shall be reported to the Board at the next scheduled meeting.

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*

Rule  
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Superintendent of Schools