

Policy

PURCHASING PROCEDURES

The Egg Harbor City Board of Education wishes to establish and carry out a careful system of purchasing and accounting to help provide an effective program of education while guarding against loss due to carelessness, inefficiency, theft, or improper maintenance of records.

The duties of purchasing are to be centralized under the business administrator, who shall be familiar with and perform all his/her activities within the limitations prescribed by law, board policy and legal opinions. These duties include ensuring that when a contract for the performance of work or the purchase or lease of materials or supplies is subject to public bidding bid specifications are prepared that:

- A. Offer a common standard of competition;
- B. Assert the board's right to accept reasonable equivalents;
- C. Assert the board's right to reject all bids and re-advertise.

The business administrator shall maintain records of advertisements in detail sufficient to show that a reasonable number of qualified vendors were invited to bid

The board of education encourages the administration to seek advantages in savings through joint agreements for the purchase of work, materials or supplies with the governing body(ies) of other contracting units within this county or adjoining counties or by other cooperative pricing arrangements. The administration shall also evaluate any savings which may result from the purchase of any materials, supplies or equipment under contracts entered into by the state treasury department, division of purchase and property.

The board may use competitive contracting instead of public bidding for purchasing specialized goods and services, the price of which exceeds the bid threshold, for the purposes and with the conditions specified in law.

All purchases shall be approved by resolution of the board.

Nothing is to be ordered independently by school personnel.

The board of education shall not knowingly enter into contract with any company that does not subscribe to and implement a policy of non-discrimination. The board secretary shall be responsible for so informing all prospective suppliers of work or materials.

Multiple Year Contracts

The business administrator is directed to investigate the advantage to the district of multiple year contracts. Investigation should include, but need not be limited to, a comparison of the costs of multiple year and single year contracts, an analysis of trends in the costs and availability of the goods or services to be provided, the projected needs of the district, and an inquiry into the reliability and stability of the vendor.

Except for those contracts exempted from the requirement by law, all multiple year contracts will contain a cancellation clause or a clause conditioning annual extension of the contract on the appropriation of sufficient funds to meet the board's obligation.

PURCHASING PROCEDURES (continued)

All multiple year contracts must be approved by the board. When the estimated annual cost of a multiple year contract exceeds the bid threshold established by law and the subject of the contract is not exempt from bidding, the contract shall be advertised in accordance with law and the bidding procedures of this district.

Emergency Contracts

The board may negotiate a contract without public advertising for bids and bidding when an emergency affecting the health or safety of occupants of school property requires the immediate delivery of goods or the performance of services (N.J.S.A. 18A:18A-7).

Emergency purchasing shall be subject to the following requirements (N.J.A.C. 5:34-6.1):

- A. An actual or imminent emergency must exist requiring the immediate delivery of the goods or the performance of the service;
- B. As soon as reasonably possible, but within three days of declaring the emergency, the superintendent shall notify the executive county superintendent of the nature of the emergency and the estimated needs for goods and services necessary to respond to it;
- C. The emergency purchasing procedure may not be used unless the need for the goods or services could not have been reasonably foreseen or the need for such goods or services has arisen notwithstanding a good faith effort on the part of the contracting unit to plan for the purchase of any goods or services required by the contracting unit;
- D. The contract shall be of such limited duration as to meet only the immediate needs of the emergency; and

Under no circumstances shall the emergency purchasing procedure be used to enter into a multi-year contract.

Adopted: July 14, 2004
 NJSBA Review/Update: May 2015
 Readopted: August 12, 2015

Key Words

Purchasing Procedures, "Set Aside" Contracts, Nondiscrimination, Affirmative Action, Vendors

<u>Legal References:</u>	<p><u>N.J.S.A. 10:5-1 et seq.</u> Law Against Discrimination</p> <p><u>See particularly:</u></p> <p><u>N.J.S.A. 10:5-31</u> through -35</p> <p><u>N.J.S.A. 18A:18A-1 et seq.</u> Public School Contracts Law</p> <p><u>N.J.S.A. 18A:19-1 et seq.</u> Expenditure of Funds; Audit and Payment of Claims</p> <p><u>N.J.S.A. 52:32-44</u> Business registration for providers of goods and services (definitions)</p> <p><u>N.J.A.C. 6A:7-1.8</u> Equity in employment and contract practices</p> <p><u>N.J.A.C. 6A:23A-1.2</u> Definitions</p> <p><u>N.J.A.C. 6A:23A-16.5</u> Supplies and equipment</p> <p><u>N.J.A.C. 6A:23A-20.4</u> Ownership and storage of textbooks</p> <p><u>N.J.A.C. 6A:23A-21.1 et seq.</u> Management of Public School Contracts</p> <p><u>N.J.A.C. 6A:27-9.1 et seq.</u> Contracting for Transportation Services</p> <p><u>N.J.A.C. 6A:30-1.1 et seq.</u> Evaluation of the Performance of School Districts</p>
---------------------------------	--

PURCHASING PROCEDURES (continued)

N.J.A.C. 6A:32-14.1 Review of mandated programs and services

20 U.S.C.A. 1681 et seq. - Title IX of the Education Amendments of 1972

42 U.S.C.A. 2000e et seq. - Title VII of the Civil Rights Act of 1964 as amended by the Equal Employment Opportunities Act of 1972

29 U.S.C.A. 794 et seq. - Section 504 of the Rehabilitation Act of 1973

Possible

Cross References: *2224 Nondiscrimination/affirmative action
 3300 Expenditures/expending authority
 *3326 Payment for goods and services
 *3327 Relations with vendors
 *3570 District records and reports
 3571 Financial reports

*Indicates policy is included in the Critical Policy Reference Manual.