



FINANCE MANUAL



Section IV

Procurement Services

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Assurance of Nondiscrimination

The Conroe Independent School District (District) is an equal opportunity educational provider and employer does not discriminate on the basis of race, color, national origin, sex, religion, age, or disability in educational programs or activities that it operates or in employment matters. The District is required by Title VI and Title VII of the Civil Rights Act of 1964, as amended, Title IX of the Education Amendments of 1972, the Age Discrimination Act of 1975, as amended, Section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act, as well as Board policy not to discriminate in such a manner. For information about Title IX rights or Section 504/ADA rights, contact the [Title IX coordinator](#) or the [Section 504/ADA coordinator](#).

The following district staff members have been designated to coordinate compliance with these legal requirements:

- Dr. Jamie Bone
Assistant Director of Human Resources/Title IX Coordinator
205 W Davis, Conroe, TX 77304
(936) 709.7752
nleal@conroeisd.net
- Dr. Kendra Wiggins
Executive Director of Special Education/504 and
ADA Coordinator
3205 W Davis, Conroe, TX 77304
(936) 709-7813
erowell@conroeisd.net
- All other concerns regarding discrimination:
Dr. Curtis Null
Superintendent
3205 W Davis, Conroe, TX 77304
(936) 709-7701

All complaints shall be handled through established channels and procedures beginning with the building principal, followed by appeal to the appropriate central administration contact, and finally the board of trustees, in accordance with Policy FNG.

If you need the assistance of the Office for Civil Rights (OCR) of the Department of Education, the address of the OCR Regional Office that covers Texas is:

Dallas Office
Office for Civil Rights, U.S. Department of
Education 1999 Bryan Street, Suite 1620
Dallas, TX 75201-6810
Telephone: (214) 661-9600
Facsimile: (214) 661-9587
Email: OCR.Dallas@ed.gov

Introduction

Procurement Services Department Staff

- **Rick Reeves**
Director of Procurement &
Business Services
936-709-7705
- **Katy LaBorde**
Buyer
936-709-7748
- **Emily Deska**
Buyer
936-709-7247
- **Kelly Staubs**
Purchasing Clerk
936-709-7705
- **Trice Clark**
Travel Coordinator
936-709-7750
- **Ellie Bergeron**
Warehouse Supervisor
936-709-7780
- **Ryan Titzman**
Assistant Director
936-709-7790
- **Stephanie Hendershot**
Buyer
936-709-7809
- **Grace Lopez**
Buyer
936-709-7650
- **Laura Davidson**
Purchasing Clerk
936-709-7868
- **LaTressa Davis**
Travel Specialist
936-709-7712

Mission Statement

The Conroe ISD Procurement Services Department's mission is to support the District's "Commitment to Excellence" by managing the procurement process to continuously serve the needs of our students, educators, and administrators. Our goal is to secure the right products and services at the best value, serve our employees and vendors as an approachable resource, and observe all applicable laws, rules, and regulations set forth by the Conroe ISD School Board, the State of Texas, the Texas Education Agency, and the United States Government

Letter from The Director

To All Employees:

The purpose of the Purchasing Policy and Procedure Manual is to be a reference tool outlining the Purchasing Laws, Policies, Practices and Procedures of Conroe ISD to be used in conjunction with the Powerschool eFinance software package.

Please note the following procedures:

- All Conroe ISD purchases shall be made with vendors that have been pre-approved by the Purchasing Department.
- All purchase commitments shall be made on a properly drawn and issued purchase order.
- All purchase orders are faxed or emailed from the purchasing department to the vendor until such time that a change in policy is implemented.
- The District shall not be responsible for payment of invoices that DO NOT have a corresponding properly drawn purchase order and/or does NOT meet Conroe ISD purchasing procedures.
- Employees who make purchases without a properly drawn purchase order could be personally responsible for payment of invoice(s).
- All Conroe ISD purchase orders shall have a contract reference number (bid or proposal number or purchasing co-op reference) noted on the purchase order.
- All invoices shall be mailed to the Conroe ISD Accounts Payable Department, 3205 W. Davis, Conroe, TX 77304 or invoice@conroeisd.net.
- By implementing these procedures, Conroe ISD will be in compliance with the Texas Purchasing Laws and Local District Policies.

Conroe ISD Purchasing will not be responsible for the timeliness of an order being placed if incomplete information relating to the purchase is not notated on the requisition and required attachments.

If you have any questions, please contact the Procurement Services Department.

Sincerely,



Mr. Rick Reeves, RTSBA
Director of Procurement & Business Services

The Purchasing Manual

This purchasing manual:

- Provides guidance to Conroe ISD employees at the campus and department levels in requisitioning materials, equipment, and services.
- Informs Conroe ISD staff of the appropriate purchasing laws for CUSD purchases.
- Acquaints vendors with the Conroe ISD's purchasing policies and procedures; and
- Promotes consistency in purchasing applications throughout Conroe ISD.

All district personnel with purchasing authority should be familiar with the legal requirements for purchasing prescribed in Education Code Chapter 44.031 and Board of Education Policy CH's. (**See the purchasing law section of this manual**) **All Conroe ISD purchases and acquisitions must meet these legal requirements.** To assure legal compliance with purchasing law, the district has elected under Texas Government Code 2155, Subchapter I to participate in cooperative purchasing programs.

Communication

The information in this purchasing manual should be shared with all Conroe ISD personnel who are responsible for any procurement procedure for their campus or department.

This manual will be posted on the Financial Services [website](#).

Please notify all staff members with procurement authority of the location of the purchasing manual. Also, please contact the purchasing department with any procurement questions.

Purchasing Department Areas of Responsibility

Bids and Proposals

The purchasing department ("Purchasing") coordinates the complete process for Conroe ISD bids and proposals, with the exception of construction projects. This process includes scheduling the timeline, assisting in preparation of the bid/proposal documents and bid/proposal specifications, maintaining a vendor bid list, distributing the bid/proposal documents to interested vendors, assisting in the analysis of the vendor bid/proposal documents received and preparing the award recommendation to be submitted for the Board of Trustees' (the "Board") approval. Once the bid/proposal has been awarded, notification is sent to the awarded vendor(s) and Conroe ISD purchase orders are processed to place the order(s) with the Board-awarded vendor. Purchasing keeps all bid and proposal documents on file for a minimum of five years.

Coordination of New Facility Fee Purchases

The procurement of furniture, fixtures, equipment and supplies ("FFE") for newly constructed facilities throughout Conroe ISD are processed through Purchasing. Purchasing will coordinate with the new principals, teaching & learning department and assistant superintendents in developing a standardized master list of furniture, equipment and supplies needed for opening a new Conroe ISD campus or facility. The standardized lists are used when purchasing additional supplies for any added grade levels and/or special need areas above the normal number on existing campuses.

District Cooperative Purchasing

Conroe ISD is a member of numerous purchasing cooperatives, which are listed on Purchasing's website and in this manual.

One of the benefits for a cooperative purchase is the cost savings of products and services due to the greater volume of purchases of the combined members' purchasing power. Another benefit is the savings on administrative cost. The individual district cooperative member does not have to go through the bidding process because the purchasing cooperative performs the bidding function for the members as a whole. This will assist the individual district/district staff in reducing redundant costs associated with individual district bids. Finally, the member districts have the available resources to purchase a greater variety of products and services and hopefully at a lower price.

With few exceptions, purchase orders may be processed from any of the approved vendors listed on a purchasing cooperative that Conroe ISD is a member without going through additional vendor approval. Some exceptions may include vendor debarment, exclusions from EDGAR rules, etc.

The purchasing cooperative name and contract number MUST be referenced on the purchase order.

There are **many approved vendors available** for your procurement needs through the purchasing cooperatives.

Contact Purchasing if assistance is needed with cooperative purchasing.

Requisition Approval and Purchase Order Issuance

Purchasing staff reviews and approves requisitions several times daily. If there is an issue with a requisition that prevents immediate approval, the buyer listed on the requisition will be promptly contacted.

After all approvals are obtained, purchase orders are issued, and they are emailed, faxed, or electronically submitted to each vendor, depending on how the vendor is set up to accept District purchase orders. The printing and placing of all District orders is done daily.

Purchase Order Changes and Cancellations

The **cancellation of a purchase order** and **any PO changes**, such as a price correction or adding a shipping charge on a specific purchase order is handled through Purchasing. Bidding contracts are verified with the vendor when a change is made to a purchasing order. The requester **must** have the vendor sign and return the PO cancelation form in order to cancel a purchase order.

Approval and Changes to Purchasing Procedures

Purchasing procedures are written and submitted for approval to Conroe ISD administration. Once approved, the purchasing procedures are communicated to Conroe ISD staff by way of a procedure manual and in-service training sessions. When the state or federal government passes a new law that may affect current school district policy, a new procedure is written, approved and then communicated to Conroe ISD staff.

Purchasing Ethics and Purchasing Law

Purchasing Ethics

The competitive nature of the public purchasing arena, the laws surrounding sound purchasing decisions, and the expenditure of significant amounts of public funds require that ethical standards be incorporated into the foundation of all purchasing functions. Purchasing and other Conroe ISD staff face the difficult task of developing good vendor relations and encouraging vendor competition while avoiding even the appearance of favoritism or other ethical misconduct.

It is critically necessary that Conroe ISD personnel know and understand Conroe ISD's purchasing policies and procedures because the penalties for breaking them can be severe and expensive. For example, accepting gifts from vendors is generally **not** allowed; however, if the gift provides no real benefit and is generally valued at less than \$50 (providing it is not cash

or a negotiable item), it is generally allowed. Also, gifts can never be accepted as consideration for a decision, recommendation, votes, or other exercise of discretion; this is bribery, and is a second-degree felony. Be sure to check with Purchasing when you are in doubt. Finally, any Conroe ISD employee who makes an unauthorized purchase may be personally liable for the debt per CH(Local).

Ethics relating to conflicts of interest, financial interests in firms conducting business with Conroe ISD, kickbacks, gratuities, improper use of a position, or unauthorized disclosure of confidential information are areas to be aware of potential problems if not handled according to the law.

Ethics

- The District subscribes to the "Code of Ethics and Standard Practices for Texas Educators," (Board Policy, DH-Exhibit) which establishes proper conduct for district staff members. Principle I, Professional Ethical Conduct, clearly applies to those individuals engaged in the purchasing process. This principle includes the following standards:
 - The educator shall not intentionally misrepresent official policies of his/her school district or educational organization and shall clearly distinguish those views from his/her personal attitudes and opinions.
 - The educator shall honestly account for all funds committed to his/her charge and shall conduct his/her financial business with integrity.
 - The educator shall not use institutional or professional privileges for personal or partisan advantage.
 - The educator shall accept no gratuities, gifts, or favors that impair or appear to impair professional judgment.
 - The educator shall not offer any favor, services, or thing of value to obtain special advantage.
 - The educator shall not falsify records, or direct, or coerce others to do so.
- Purchasing staff shall also comply with the Code of Ethics of Texas Association of School Business Officials (TASBO) as stated on their weblink: <https://www.tasbo.org/about-tasbo/about-us/code-of-ethics>
- All District staff members are public servants and therefore subject to Title VIII of the Penal code, regarding offenses against public administration, including bribery and corrupt influence (Chapter 36), perjury and other falsification (Chapter 37), obstructing governmental operation (Chapter 38), and abuse of office (Chapter 39). All District staff members shall perform their duties in conformity with District policy, ethical standards for professional educators, and state and federal law. Penal Code 1.07(41), Title VIII

Conflict of Interest (Refer to Board Policy DBD local)

An employee shall disclose to his or her immediate supervisor a personal financial interest, a business interest, or any other obligation or relationship that in any way creates a potential conflict of interest with the proper discharge of assigned duties and responsibilities or with the best interest of the District.

Gifts

An employee shall not accept or solicit any gift, favor, service, or other benefit with a value of \$50 or more from a vendor or other individual associated with the District, such as a student or parent, that could reasonably be construed to influence the employee's discharge of assigned duties and responsibilities.

Sales

An employee shall not use his or her position with the District to attempt to sell products or services.

Private Tutoring

An employee shall disclose in writing to his or her immediate supervisor any private tutoring of District students for pay.

State Purchasing Law

Purchasing policy and procedure guidelines are derived from the Texas Education Code, local policies as set forth by the Board of Trustees, and other relevant state and federal statutes including the TEA's Financial Accountability System Resource Guide (FASRG).

TEXAS EDUCATION CODE: § 44.031. Purchasing Contracts

- a) Except as provided by this subchapter, all school district contracts, except contracts for the purchase of produce or vehicle fuel, valued at \$50,000 or more in the aggregate for each 12- month period shall be made by the method, of the following methods, that provides the best value for the district:
 - 1) competitive bidding.
 - 2) competitive sealed proposals.
 - 3) a request for proposals, for services other than construction services.
 - 4) an inter local contract.
 - 5) a design/build contract.
 - 6) a contract to construct, rehabilitates, alter, or repair facilities that involves using a construction manager.
 - 7) a job order contract for the minor construction, repair, rehabilitation, or alteration of a facility; or
- b) Except as provided by this subchapter, in determining to whom to award a contract, the district will consider:
 - 1) the purchase price.
 - 2) the reputation of the vendor and of the vendor's goods or services.
 - 3) the quality of the vendor's goods or services.
 - 4) the extent to which the goods or services meet the district's needs.
 - 5) the vendor's past relationship with the district.
 - 6) the impact on the ability of the district to comply with laws and rules relating to historically underutilized businesses.
 - 7) the total long-term cost to the district to acquire the vendor's goods or services;

and

- 8) any other relevant factor specifically listed in the request for bids or proposals.
- c) The state auditor may audit purchases of goods or services by the district.
- d) The board of trustees of the district may adopt rules and procedures for the acquisition of goods or services.
- e) To the extent of any conflict, this subchapter prevails over any other law relating to the purchasing of goods and services except a law relating to contracting with historically underutilized businesses.
- f) This section does not apply to a contract for professional services rendered, including services of an architect, attorney, or fiscal agent. A school district may, at its option, contract for professional services rendered by a financial consultant or a technology consultant in the manner provided by Section 2254.003, Government Code, in lieu of the methods provided by this section.
- g) Notice of the time by when and place where the bids or proposals, or the responses to a request for qualifications, will be received and opened shall be published in the county in which the district's central administrative office is located, once a week for at least two weeks before the deadline for receiving bids, proposals, or responses to a request for qualifications. If there is not a newspaper in that county, the advertising shall be published in a newspaper in the county nearest the county seat of the county in which the district's central administrative office is located. In a two-step procurement process, the time and place where the second-step bids, proposals, or responses will be received are not required to be published separately.

Text of subsec. (h) as amended by Acts 1999, 76th Leg., ch. 922, § 1

- h) If school equipment, a school facility, or a portion of a school facility is destroyed, severely damaged, or experiences a major unforeseen operational or structural failure, and the board of trustees determines that the delay posed by the contract methods required by this section would prevent or substantially impair the conduct of classes or other essential school activities, then contracts for the replacement or repair of the equipment, school facility, or portion of the school facility may be made by a method other than the methods required by this section.

Text of subsec. (h) as amended by Acts 1999, 76th Leg., ch. 1225, § 1

- i) If school equipment or a part of a school facility or personal property is destroyed or severely damaged or, as a result of an unforeseen catastrophe or emergency, undergoes major operational or structural failure, and the board of trustees determines that the delay posed by the methods provided for in this section would prevent or substantially impair the conduct of classes or other essential school activities, then contracts for the replacement or repair of the equipment or the part of the school facility may be made by methods other than those required by this section.
- j) A school district may acquire computers and computer-related equipment, including computer software, through the Texas Building & Procurement Commission (formerly General Services Commission [GSC]) under contracts entered into in accordance with

Chapter 2157, Government Code. Before issuing an invitation for bids, the commission shall consult with the agency concerning the computer and computer- related equipment needs of school districts. To the extent possible the resulting contract shall provide for such needs.

- k) Without complying with Subsection (a), a school district may purchase an item that is available from only one source, including:
 - 1) an item for which competition is precluded because of the existence of a patent, copyright,
 - 2) secret process, or monopoly
 - 3) a film, manuscript, or book,
 - 4) a utility service, including electricity, gas, or water; and
 - 5) a captive replacement part or component for equipment.
- l) The exceptions provided by Subsection (j) do not apply to mainframe data-processing equipment and peripheral attachments with a single-item purchase price in excess of \$15,000.
- m) Each contract proposed to be made by a school district for the purchase or lease of one or more school buses, including a lease with an option to purchase, must be submitted to competitive bidding when the contract is valued at \$20,000 or more.
- n) If a purchase is made at the campus level in a school district with an average daily attendance of 190,000 or more as determined under Section 42.005 that has formally adopted a site- based decision- making plan under Subchapter F, Chapter 11, that delegates purchasing decisions to the campus level, this section applies only to the campus and does not require the district to aggregate and jointly award purchasing contracts. A district that adopts site- based purchasing under this subsection shall adopt a policy to ensure that campus purchases achieve the best value to the district and are not intended or used to avoid the requirement that a district aggregate purchases under Subsection (a).

Added by Acts 1995, 74th Leg., ch. 260, § 1, eff. May 30, 1995.

Amended by Acts 1997, 75th Leg., ch. 1179, § 1, eff. Sept. 1, 1997; Acts 1999, 76th Leg., ch. 881, § 1, eff.

June 18, 1999; Acts 1999, 76th Leg., ch. 922, § 1, eff. June 18, 1999; Acts 1999, 76th Leg., ch. 1225, § 1,

eff. Sept. 1, 1999; Acts 2001, 77th Leg., ch. 436, § 7, eff. May 28, 2001; Acts 2001, 77th Leg., ch. 1409, § 9, eff. Sept. 1, 2001.

District Purchasing Policy

All District purchases must be processed on an approved district purchase order, to encumber budgetary funds, using a district approved vendor through an approved purchasing method.

RESPONSIBILITY FOR PURCHASING

Purchasing Policy

1. Complete purchasing policy and procedures followed by the district may be found in the Texas Education Agency [Financial Accountability System Resource Guide \(FASRG\)](#) in the Purchasing Module.

2. FASRG can be accessed through the TEA website.
3. Federal procurement guidelines followed by the District may be found in the [Education Department General Administrative Regulations \(EDGAR\)](#) Section 200
4. Board policies pertaining to purchasing can be accessed through the CISD website at: <http://pol.tasb.org/Home/Index/909>

Purchasing Authority - TEC 44.0312(a)

1. The following persons are delegated the authority to act as agents for Conroe ISD in carrying out the purchasing activities of the district:
 - a) Chief Financial Officer
 - b) Director of Procurement Services
2. Each Principal acts as purchasing agent for all expenditures made from his/her campus Activity Fund.

LEGAL BASIS FOR COMPETITIVE BIDS & QUOTES

Bids, Proposals and Quotes (General Funds)

1. Purchases less than \$50,000:
 - The following limits apply to the TOTAL requisition amount, not the cost of a particular item. Requisitions cannot be split to avoid obtaining quotes.
 - a) Requisitions totaling less than \$25,000 – at least one written quote attached to all requisition
 - b) Requisitions totaling \$25,000-\$49,999 – three (3) different quotes must be obtained from **non-awarded vendors** (i.e. non-bid, non-cooperative), or a combination of non-bid and non-cooperative vendors, and linked to the purchase requisition in PDF format. If purchasing from an awarded bid vendor or cooperative vendor, only one quote is required up to \$50,000, but is advised to get multiple quotes to help determine best value. All quotes must be attached to requisition.
 - c) Sole Source Purchases – Must be approved by Purchasing Department.
2. Purchases greater than \$50,000
 - a. All school district contracts for the purchase of **goods and services valued at \$50,000** or more in the aggregate during a 12-month period must be competitively bid. TEC 44.031 Exceptions to 2a:
 - i. Professional Services - architect, physician, certified public accountant, attorney, surveyor, engineer, or state certified real estate appraiser TEC 44.031(f)
 - ii. Sole Source Items - items only available from one source covered by a patent, copyright, or monopoly; films, books, manuscripts; utility services; and captive replacement or component parts for equipment repair. TEC 44.031(j)
 - iii. Repair or replacement of school equipment that has been damaged or destroyed with the approval of the Board of Trustees. TEC 44.031(h). Or, a public exigency or emergency for the requirement will not permit a delay resulting from competitive solicitation. 2 CFR Part 200.320

- iv. The Federal awarding agency or pass-through entity expressly authorizes noncompetitive proposals in response to a written request from the non-Federal entity. 2 CFR Part 200.320
- v. The Superintendent or designee may determine, on a case-by-case basis, all other qualified professional services as allowed by law. CH(Local)
- vi. Computers with an annual aggregate value above \$15,000. TEC 44.031(k)
- vii. School buses with an annual aggregate value greater than \$20,000. TEC 44.031(l)
- b. These contracts must be preceded by a competitive pricing Mechanism. TEC 44.031(a)
 - i. Competitive bids for services other than construction services
 - ii. Competitive sealed proposals for services other than construction services
 - iii. Requests for proposals for services other than construction services
 - iv. An inter-local agreement based on bids or proposals that have gone through an acceptable competitive process (Cooperatives, such as Region 6 (EPIC 6) - Education Service Center, Harris County Department of Education, etc.)
 - v. A method provided by Chapter 2269, Government Code, for construction services
 - vi. Reverse Auctions defined by Section 2155.062(d), Government Code
 - vii. Formation of a political subdivision corporation under Section 304.001, Local Government Code.
- c. Notice is required for bids and requests for proposal:
 - i. To be published once a week for at least two weeks prior to the deadline for receiving responses.
 - ii. In a newspaper for the county in which the school district's central office is located. EC 44.031(g)
- d. If, at the point of receiving the Solicitation Request Form from the internal customer, it is determined the total amount of the contract will be over \$250,000, and will have the potential to utilize federal funds for payment, an independent price estimate must be established prior to the solicitation. Once bid responses are received, a subsequent price analysis should be done to verify reasonableness of the vendor's pricing. If the purchase is sole source, a cost analysis must be performed to verify all components of the purchase, including vendor profit, are reasonable. 2 CFR 200.324
- e. If emergency purchases are deemed necessary through a declaration by the Board of Trustees, purchasing requirements in TEC 44.031 are suspended in order to expedite necessary repairs to protect property and life. Once emergency product/services are provided, the requirements of TEC 44.031 shall go back into effect.
- f. In order to comply with FEMA reimbursement requirements, only those services necessary to meet the urgent need are allowable in lieu of allowing full and open competition.
 - i. A cost/price analysis must be performed for any anticipated purchases over \$250,000.
 - ii. Affirmative steps must be taken in order to seek FEMA reimbursement of purchases.
 - iii. Awarding a time-and-materials contract must have a ceiling price and

- documentation must state why no other contract type was suitable.
- iv. No cost-plus-percentage-of-cost or percentage-of-construction-cost contracts are allowed. The District's awarded Job Order Contract vendors should be contacted for any of these repairs to ensure compliance.

Bids, Proposals and Quotes (Federal Funds – EDGAR – 2 CFR Part 200)

1. Purchases less than \$49,999 – 200.320 Micro Purchase Threshold
 - The following limits apply to the total commodity spend, not the cost of a particular item. Requisitions cannot be split to avoid obtaining quotes.
 - a. Requisitions totaling less than \$49,999 (micro-purchases) – at least two written quotes with completed quote form attached to requisition unless instructed by the Purchasing Department.
 - b. Sole Source Purchases – Must be approved by Purchasing Department.
2. Purchases totaling \$50,000 through \$249,999:
 - Formal bidding process per Texas Education Code 44.031 is required. Minimum of (2) awarded vendor quotes with completed quote form attached to each requisition unless using a Conroe ISD-issued, line-item awarded bid (see Purchasing for guidelines).
3. Purchases greater than \$250,000
 - a. Cost or price analysis must be completed prior to receiving bids or proposals.
 - b. Independent estimates must be documented and presented for approval in order to begin the formal bidding process under EC 44.031.

Awarding Contracts

In awarding a contract, the District shall consider:

1. Purchase price.
2. The reputation of the vendor and of the vendor's goods and services.
3. The quality of the vendor's goods and services.
4. The extent to which the goods or services meet the District's needs.
5. The vendor's past relationship with the District.
6. The impact on the ability of the District to comply with laws relating to historically underutilized businesses.
7. The total long-term cost to the District to acquire the goods or services.
8. For a contract for goods and services, other than goods and services related to telecommunications and information services, building construction and maintenance, or instructional materials, whether the vendor or the vendor's ultimate parent company or majority owner:
 - Has its principal place of business in this state; and
 - Employs at least 500 persons in this state; and
9. Any other relevant factor specifically listed in the request for bids or proposals.

Enforcement

1. District staff members commit a criminal offense if they make or authorize separate,

- sequential, or component purchases to avoid using competitive pricing mechanisms when required. TEC 44.032(b)
- 2. District staff members commit a criminal offense if they fail to use competitive pricing mechanisms when required or award contracts for reasons other than those cited. TEC 44.032(c)
- 3. Conviction of an offense results in an individual's:
 - Immediate removal from office,
 - Inability to serve in any public office in Texas for four years, and
 - Ineligibility to receive any compensation through state or local government contracts. TEC 44.032(e)
 - This is a Class B misdemeanor involving moral turpitude. TEC 44.037b

Bid and CSP/RFP Guidelines

- 1. Bid and proposal openings shall be at public meetings of the Board of Trustees or by an officer of the District in a District office. LGC 271.026a
- 2. A bidder may withdraw a bid due to a material mistake in the bid. (Common Law). LGC 271.026b
- 3. Bids may not be changed for the purpose of correcting errors after they have been opened. LGC 271.026a
- 4. The Board of Trustees have the right to reject any and all bids. LGC 271.027a
- 5. Contract Length
 - a. Contracts obligate current District revenue only for the year in which they are awarded.
 - b. Multi-year agreements are permissible if they contain:
 - The right of the Board to terminate the contract at the end of each budget, or
 - An appropriate funding-out clause to allow termination should funds become unavailable to pay for the contract. LGC 271.903
- 6. Payment
 - a. Payment for good and services received and invoiced is due thirty-one days after the completion of the contract or receipt of the invoice.
 - b. For each month or part the payment is late; the vendor has the right to 1% interest on the unpaid balance. TGC 2251.021, .025, .029
- 7. Tie Bids
 - a. If the District receives two or more low bids that are identical, the selection of the winner shall be by the casting of lots, or
 - b. If only one of the bidders submitting identical bids is a resident of the District, that vendor will receive the award. LGC 271.901
- 8. Non-resident bidders must underbid resident bidders by not less than an amount (percentage) by which a resident vendor would be required to underbid in the non-resident bidder's state (reciprocity). TGC 2252.001; 2252.002
- 9. Single proprietorships and partnerships where an owner or operator of the business has been convicted of a felony cannot contract with a school district. TEC 22.083b
- 10. School district purchasing procedures and specifications must not discriminate against products made from recycled materials. H&SC 361.426
- 11. Inter-local Agreements between school districts, other local governments, and state agencies for the purchase of goods and services satisfies the requirement that contracts be preceded by a competitive pricing mechanism. GC 791.025 b, c

12. Purchases from Texas Education Service Centers (ESC) over \$10,000, without receiving competitive quotes (or formal solicitations if over \$50,000) must be accompanied by an authorized memo from TEA stating that noncompetitive procurement is allowed for the purchase. 2 CFR 200.320(f)(3)
13. The comptroller of the State of Texas may provide and the District may use state contract prices and vendors to satisfy the requirement that contracts be preceded by a competitive pricing mechanism. LGC 271.08
14. Purchasing Cooperatives
 - a. Cooperatives may be established by school districts, regional education service centers, county departments of education, and other local governments to pool goods and services needs in order to obtain optimal pricing.
 - b. The Board of Trustees must approve a contract with the governmental unit operating the cooperative designating a person to act for the district in all matters pertaining to the cooperative.
 - c. The governmental unit operating the cooperative may collect fees from the participating districts or governments to cover the cost of operating the cooperative. LGC 271.102
 - d. When utilizing a cooperative for federally funded purchases, the District must receive annual written acknowledgment from the cooperative that they are following the new EDGAR requirements when sourcing and awarding vendor. TEA requirement for 2 CFR 200.318
 - e. The District has the ability to utilize the following governmental agencies or purchasing cooperatives, provided the District does not have a specific bid or quote in place for the commodity being purchased. Links to these agencies' websites can be found on the Conroe ISD Procurement Services website.
 - BuyBoard
 - DIR (Department of Information Resources)
 - Choice Partners, HCDE (Harris County Department of Education)
 - HGAC (Houston-Galveston Area Council)
 - EPIC 6 (ESC Region 6)
 - CTPA – (Central Texas Purchasing Alliance)
 - Texas Comptroller of Public Accounts (CPA) – Non- automated and Automated Term Contracts
 - Omnia Partners (Formerly US Com, National IPA, and TCPN)
 - TIPS/TAPS (The Interlocal Purchasing System)
 - ESC Region19 – Allied States Cooperative
 - ESC Region 20 – PACE
 - Sourcewell
 - School Purchasing Alliance (SPA)
15. Child Nutrition purchases for personal property exceeding \$50,000 must utilize a bid, proposal, state or federal contract, cooperative purchasing agreement, or inter-local purchasing arrangement due to federal school lunch program requirements. (Federal law sets \$250,000 as the minimum but requires meeting state statutes.) ARM 17
16. The Board of Trustees may not purchase milk or milk products imported from outside the United States. H&SC 435.021
17. The Board of Trustees may not purchase beef and beef products imported from outside the United States. AC 150.012
18. The District reserves the right to use both cooperatives/interlocal awarded agreements along with district awarded bids (for the same products) to meet the needs of the District. (Examples would be a significant cost savings to the District or the ability to deliver goods and services to the District in a shorter lead time.)

Construction

1. The school district must employ an architect to prepare plans and specifications for:
 - a. New construction where costs exceed \$100,000.
 - b. Building renovations where costs exceed \$50,000. Occupations Code, Title 6, Chapter 1051
2. The school district must employ a registered engineer:
 - a. To prepare structural, electrical, and mechanical engineering plans for construction projects with an estimated cost exceeding \$8,000.
 - b. To supervise construction not involving structural, electrical, and mechanical engineering when the estimated cost exceeds \$20,000. Occupations Code 1001.053.
3. Procedure for acquiring professional services:
 - a. Select the most highly qualified provider on the basis of competence and qualifications.
 - b. Attempt to negotiate a contract with the best provider at a fair and reasonable price.
 - c. If a contract cannot be negotiated, consider the next best provider and attempt to negotiate a contract. TGC 2254.004
4. Payment and Performance Bonds
 - a. For construction projects in excess of \$100,000, the District shall require a performance bond in the amount of the contract. TGC 2253.021 b
 - b. For construction contracts in excess of \$25,000, the District may require a payment bond in the amount of the contract solely to protect vendors and subcontractors supplying labor or materials. TGC 2253.021 c
 - c. If the District does not obtain bond coverage it has the same liability as a surety. TGC 2253.027
 - d. Neither a payment or performance bond is required for design services in design-build contracts. TGC 2269.311 a
5. School districts must pay the prevailing wage to all workers on public works contracts.
 - a. The Board of Trustees is responsible for establishing wage rates by:
 - i. Conducting a survey of local wage rates or
 - ii. Using data from the Federal Department of Labor.
 - b. Contractors and subcontractors must also pay this rate.
 - c. Complaints from laborers shall be received by the Board and acted on within 30 days.
 - d. If violations have occurred, the Board may assess the contractor penalties to reimburse affected workers. TGC 2258.001, 022, .022, .023, .051, .052d, .056
6. The District must include a requirement for all contractors to provide all workers providing services to construction project appropriate workers' compensation coverage. 28 TAC 110.110 (a) (7)(8), (c)

Construction Bids and Requests for Proposals

1. The Board of Trustees considering a construction contract, must first determine which competitive procurement method will be used in awarding the project. TCG 2269
2. In publishing the requests for bids or proposals, the District will note in the request document the criteria and weights that will be used to evaluate the offers received. TGC 2269.056 (b)

3. The evaluation for the selection for a construction services contract must be documented and made public by the seventh day after the contract is awarded. TGC 2269.056©, .105
4. Competitive Bids for Contractors
 - a. The District may use competitive bids to select a contractor for construction and renovation projects.
 - b. Procedures for bidding shall meet the requirements previously presented. TGC 2269
5. Competitive Sealed Proposals for Contractors
 - a. The District may use a request for proposals to select a contractor for construction and renovation projects.
 - b. Proposals for construction services are characterized as sealed proposals and may not be reviewed by other parties in the proposal process. TGC 2269
 - c. The District may discuss each vendor's proposal with that vendor to clarify the original proposal.
 - d. Procedures:
 - i. Architect or engineer prepares construction documents.
 - ii. The District will contract independently for engineering, inspection, testing, and verification services.
 - iii. The District will prepare the request for competitive sealed proposal that includes construction documents, selection criteria with weights, estimated budget, project scope, and schedules.
 - iv. Advertising of proposals shall meet requirements previously noted.
 - v. Proposals shall be opened and read aloud providing the names of the offerors and any monetary proposals made by the offerors.
 - vi. Proposals must be evaluated and ranked within 45 days of opening.
 - vii. Negotiations begin with the vendor making the best offer and if not successful, be ended in writing before proceeding to the next vendor.
 - viii. Selection of a contractor shall be based on the best value for the District. TGC 2269.055
6. Proposals for a Construction Manager-Agent
 - a. The District may contract a consultant or construction manager/agent to oversee the construction and renovation projects.
 - b. Procedures:
 - i. Architect or engineer prepares the construction documents.
 - ii. The District selects the most highly qualified manager/agent on the basis of competence and qualifications.
 - iii. Attempt to negotiate a contract with the best manager/agent at a fair and reasonable price.
 - iv. If a contract cannot be negotiated, move to the next best manager/agent and attempt to negotiate a contract.
 - v. Once the agent is selected, the District shall then procure a general contractor, trade contractors, and subcontractors through the use of bids or requests for proposal.
 - vi. The District or manager/agent will procure all independent engineering, inspection, testing, and verification services. TGC 2269
7. Proposals for a Construction Manager-At-Risk ***Current Board Approved Method***
 - a. The District may contract a manager-at-risk to oversee construction and renovation projects.
 - b. Proposals for a manager-at-risk contract are characterized as sealed proposals and may not be reviewed by other parties in the proposal process. TEC 44.038
 - c. Procedures:

- i. Architect or engineer prepares construction documents.
- ii. The District will contract independently for engineering, inspection, testing, and verification services.
- iii. The District will prepare a request for proposal that includes general information on the project site, project scope, budget, special systems and selection criteria with weights.
- iv. The request for proposal may request the manager's proposed fee and other costs in a one-step process or separately if a two-step qualification process is used.
- v. All proposals must be opened with the names of offerors read aloud and the proposed fees and prices read at the appropriate step. The proposals are then evaluated and ranked within 45 days of opening.
- vi. Attempt to negotiate a contract with the best manager at a fair and reasonable price.
- vii. If a contract cannot be negotiated, the District must end negotiations in writing and then consider the next best manager and attempt to negotiate a contract.
- viii. The selected manager shall then procure trade contractors and sub-contractors through the use of bids or requests for proposals.
- ix. The selected manager may submit his own bid or proposal for portions of the project.
- x. The manager and District representative will open all trade contractor and sub-contractor bids or proposals in a manner that does not disclose the contents of the bid or proposal during the selection process.
- xi. All bids and proposals shall be made public within seven days after the final selection is made.
- xii. If the manager recommends a bid or proposal and the District requires the use of another trade or sub-contractor, the District must compensate the manager for any additional cost incurred by the manager as a result of the District's action. TGC 2269

8. Proposals for Design Build Contracts

- a. The District may use a design-build contract to select a contractor for both design and construction services for the construction, rehabilitation, alteration, or repair of a facility. TGC 2269.301
- b. Proposals for a design-build contract are characterized as sealed proposals and may not be reviewed by other parties in the proposal process.
- c. Procedures:
 - i. Architect or engineer prepares construction documents.
 - ii. The District will contract independently for engineering, inspection, testing, and verification services
 - iii. The District will prepare an RFP that includes general information on the project site, project scope, budget, special systems, selection criteria, and the weighted value for each criterion.
 - iv. Advertising and opening of proposals shall meet requirements previously noted.
 - v. Evaluation of proposals shall be in two steps: a). Rate the companies proposing bases on experience and qualifications where cost-related or price-related evaluation factors are not permitted. A maximum of five respondents shall submit proposals that contain additional information and, if desired, to interview for the final selection. B) Finalists shall be required to provide additional information based on predetermined

- selection criteria and the results of any interviews.
 - vi. Select a firm and have project specifications developed.
 - vii. The design-build firm will supply the District with a set of signed and sealed construction plans at the end of construction. TGC 2269.310
- 9. Job Order Contracts
 - a. The District may award job order contracts for maintenance, repair, alteration, renovation, remediation, or minor construction of a facility when the work is of a recurring nature but the delivery times, type, and quantities of work required are indefinite. TGC 2269.401
 - i. Proposals for a job order contracts are characterized as sealed proposals.
 - ii. Advertising and opening of proposals shall meet requirements previously noted.
 - iii. Proposals must be evaluated and ranked within 45 days of opening. TGC 2269.405
 - b. The District selects the manager that offers the best value to the District based on selection criteria in the request for proposal.
 - c. Advertising and opening of proposals shall meet requirements previously noted.
 - d. The District may award job order contracts to one or more vendors. Job order contracts may not exceed two years. The contract may also not be renewed for not more than three additional years.
 - e. The job order for a specific project must be signed by a District representative and the contractor.
 - f. Indicated costs may be a fixed price, a negotiated lump sum, or unit based on estimated quantities. TGC 2269.410

Lease Purchase of Real Property

The Board of Trustees may approve a contract for the lease purchase of buildings and other renovations provided:

- The public is given 60 days printed notice.
- If five percent of the registered voters approve a petition for a referendum on the proposed contract the matter must then be approved by a majority of District voters at a referendum.
- The contract is submitted to the Attorney General for approval. LGC 271.004

Construction Notes

- Americans with Disabilities Act standards will be applied to all new construction and renovations. 28 CFR 35.151; 34 CFR 104.23 (Federal)
- Playground equipment and surfacing purchased after September 1, 2009 must comply with the provisions in the *Handbook for Public Playground Safety*. H&SC 756.061
- Construction - Construction Policy for the District can be found under CISD Board Policy [CV](#), [CVA](#), [CVB](#), [CVC](#), [CVD](#), [CVE](#), and [CVF](#).

Law Code Abbreviations

- TEC – Education Code
- TGC - Government Code
- LGC - Local Government Code H&SC -Health and Safety Code AC - Agriculture Code
- TAC – Texas Administrative Code PC - Penal Code
- V.A.T.S. -Vernon's Annotated Texas Statutes

RULES FOR ACCEPTING ELECTRONIC BIDS OR PROPOSALS

Section 44.0313 of the Texas Education Code, Chapter 2269 of the Texas Government Code for Construction, and Conroe ISD CH(LOCAL) policy permit a school district to receive bids or proposals through electronic transmission if the District adopts rules to ensure the identification, security, and confidentiality of electronic bids or proposals and to ensure that the electronic bids or proposals remain effectively unopened until the proper time;

Conroe ISD establishes that the following procedures will cover any and all methods referenced under Texas Education Code Section 44.031 and Texas Government Code Chapter 2269 and are to be followed when bids and proposals are submitted electronically:

1. Bids or proposals will be submitted to the District through its secure electronic procurement system ("System") during the open bid period.
2. Interested vendors must register an account with the System and set up a unique username and password. Upon registering, the interested vendor must acknowledge the user identification, password, entry of the user's full name, and entry of the user's email address serves as their unique electronic signature for all bid responses and sub-missions. Interested vendors must also agree that only individuals with signature authority will submit a response. Registration further requires the interested vendor to accept additional terms and conditions.
3. Bids or proposals sent to an e-mail address will not be considered.
4. All notifications of bid opportunities will be sent to the e-mail address supplied by the vendor. In the event of a change in the vendor's e-mail address, contact person, address, phone, etc., the vendor is responsible for changing the information in the System.
5. Vendors interested in responding to a solicitation must submit a response online by logging in to their account and providing the required documentation.
6. All bid documents will remain unopened by the District until the scheduled date and time for opening all bids.
7. Electronic notification confirming receipt of the bid or proposal will be sent to the bidder's or proposer's designated e-mail.
8. The District will not be responsible for any delay of delivery, including delays related to e-mail programs, servers, or acts of nature.

CH LOCAL

PURCHASING AND ACQUISITION

CH
(LOCAL)

Purchasing Authority	<p>The Board delegates to the Superintendent or designee the authority to make budgeted purchases for goods or services. However, any purchase that costs or aggregates to a cost of \$50,000 or more to a single vendor over the course of a 12-month fiscal period beginning September 1 of each year shall require Board approval before a transaction may take place.</p> <p>All contracts shall be signed by the Superintendent or designee.</p>
Exception for Emergency Contracts	<p>In the event of a catastrophe, emergency, or natural disaster affecting the District, the Board delegates to the Superintendent the authority to contract for the replacement, construction, or repair of school equipment or facilities in accordance with law, if emergency replacement, construction, or repair is necessary for the health and safety of District students and staff and so long as the total cost is no more than \$100,000. The Superintendent shall report to the Board at the next regular meeting any contract made under this authority. [See Disaster Exception, CH(LEGAL)]</p> <p>The delegation regarding emergency contracts does not waive competitive purchasing requirements under Education Code Chapter 44. Only the Board is authorized to waive competitive purchasing requirements under limited circumstances in accordance with Education Code 44.031(h). [See Emergency Damage or Destruction, CH(LEGAL)]</p>
Purchasing Procedures	<p>The Superintendent shall develop purchasing procedures to implement the requirements of state and federal law. [See also CB, CBB, CH(LEGAL), and COA]</p>
Purchasing Method	<p>The Board delegates to the Superintendent or designee the authority to determine the method of purchasing in accordance with CH(LEGAL) or CBB(LEGAL), as appropriate.</p>
Competitive Procurement Requirements	<p>District contracts must be submitted to a competitive procurement process when the aggregate purchase costs \$50,000 or more for each 12-month period. The Superintendent or designee shall prepare the request for bids or proposals and the bid or proposal specifications. All bids or proposals shall be submitted by the designated purchasing method, either through the District's electronic procurement system or in sealed envelopes, plainly marked with the name of the bidder or proposer and the time of opening.</p> <p>All bidders or proposers and other interested persons shall be invited to attend the bid or proposal opening as allowed by policy or by best practice if policy is not applicable but shall not be required to be present.</p>

PURCHASING AND ACQUISITION

CH
(LOCAL)

<i>Bid and Proposal Acceptance</i>	The District may reject any and all proposals in accordance with state or federal law, as applicable. The Superintendent shall accept the bid or proposal deemed to be in the best interest of the District as identified in CH(LEGAL).
<i>Bids, Quotes, and Other Proposals Under \$50,000</i>	The director of purchasing shall establish guidelines that may require bids, quotations, or proposals to be obtained prior to approving a purchase when it appears that the best value and substantial savings can be realized by the District.
Electronic Bids or Proposals	The District shall accept bids or proposals through electronic transmission in accordance with administrative procedures. Such procedures shall safeguard the integrity of the competitive procurement process, ensure the identification, security, and confidentiality of electronic bids or proposals, and ensure that the electronic bids or proposals remain effectively unopened until the proper time.
Responsibility for Debts	The Board shall assume responsibility for debts incurred in the name of the District so long as those debts are for purchases made in accordance with adopted Board policy and current administrative procedures. The Board shall not be responsible for debts incurred by persons or organizations not directly under Board control. Persons making unauthorized purchases shall assume full responsibility for all such debts.
Electronic Purchase Commitments	All purchase commitments shall be made by the Superintendent or designee on a properly drawn and issued purchase order, in accordance with administrative procedures.
Personal Purchases	District employees shall not be permitted to purchase supplies or equipment for personal use through the District's business office.

Bid. Proposal & Quote Procedures

General Overview

When purchases are made on behalf of the District totaling more than \$50,000 during a 12-month period per competitive procurement **category**, Purchasing will issue a competitive bid, competitive sealed proposal (CSP), request for proposal (RFP), or use an approved cooperative-awarded vendor.

Published legal notices are required for both of the above procurement processes.

NOTE: If a vendor has been approved through a purchasing cooperative, a formal district bidding/proposal process does not need to take place.

Requirements for Purchases Greater than \$50,000

- >\$50,000
- Normal Request for Bid
- CSP (Competitive Sealed proposal) or RFP (Request for Proposal) process.

A legal notice must be published in the local paper once a week for two consecutive weeks. These purchases must have board approval prior to purchase.

The Bidding Process

The timeline for the proposal/bid/quote process is critical. The necessity to plan ahead for equipment and supply requirements cannot be emphasized enough. It takes a minimum of two months to complete one proposal/bid from start to finish.

The components of the proposal or bid process:

- Department procurement request
- Set timeline and Board approval date
- Write specifications for items/services requested
- Prepare vendor list to receive bid/proposal/quote through the e-bid system.
- Prepare proposal to include required bid attributes, specifications, and requested pricing and/or qualification forms
- Run Legal Notice – two consecutive weeks
- Hold a pre-bid conference if necessary
- Send out any necessary addendum
- Closing date of proposal/bid
- Analyze price offers and negotiate price if necessary
- Prepare recommendation/agenda form for Board approval
- Once Board approved, send award letter notification to vendors
- Contact district department of bid/proposal award
- Process purchase orders to awarded vendor(s)
- Update/maintain vendor/bid files

Award of Proposals, Bids, and/or Quotes

Once the School Board has awarded a proposal/bid and the vendor(s) has been notified, purchases can be made by issuing a Conroe ISD purchase order with a reference to the award/contract number of the RFP/BID/PROPOSAL on the purchase order.

Purchasing maintains a list of all approved vendors on the District's website.

Competitive Procurement Categories

Recommended procurement categories to be bid per the Texas Education Agency include but not limited to:

- Athletics: athletic/trainer supplies, various sports supplies, uniforms, equipment and non- consumables
- Custodial: chemicals/janitorial supplies/paper products/can liners, contracted services, equipment and non-consumables.
- Food Service: bread, dry goods, canned and frozen foods, fresh meat and poultry, milk, non- food supplies, equipment and non-consumables.
- Instructional/General – Capital Equipment: art equipment and supplies; audio visual equipment and supplies; band instruments; computers/hardware and software; copy machines; instructional equipment, supplies and furniture; library supplies and furniture; office supplies, equipment and furniture; playground equipment; science equipment; telephone equipment; duplicating paper; industrial gases; instructional teaching aids/supplies; library books, periodicals, filmstrips, videos, maps and globes; nursing supplies; office supplies and equipment; physical education supplies; science supplies and equipment; CTE supplies and equipment
- Maintenance: electrical supplies and parts; ground maintenance supplies; Freon; HVAC supplies and parts; lumber and related building materials; paint; plumbing supplies and parts; roofing supplies; equipment and non-consumables
- Transportation: automotive parts and supplies; lubricants and oils; buses; capital equipment; storage tanks; vehicles, trucks and vans
- Bank Depository
- Nonprofessional Services: photocopy services, personal computer services and other equipment services contracts
- Professional Development/Staff Development Services: onsite/offsite trainings
- Real Property: land and buildings
- Insurance

NOTE: Due to the large amounts of purchasing taking place district-wide in these categories, the majority of items purchased by Conroe ISD will be part of a proposal, bid, quote or purchasing cooperative.

Approved Vendor Process Requirements

Vendor General Information

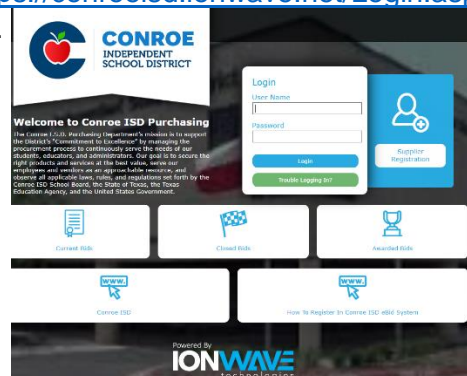
Before a vendor can do business with Conroe ISD, the vendor must go through the bidding/proposal process either through a CISD-issued bid or awarded on a purchasing cooperative. Purchasing processes all vendor registrations/proposals/bids and prepares the vendor approval recommendation that goes before the School Board at their regular monthly Board meeting. Once approved by the School Board, the vendor records are updated and posted on the District's website. If a vendor is awarded on a purchasing cooperative, they can be added to the awarded vendor list with supporting documentation. District staff can verify a vendor's availability (status) at any time by checking the District website, listed on the purchasing department's webpage. The staff may process a purchase order once the vendor approval process is complete.

All vendor records are maintained in Purchasing.

Sole source vendors are verified and maintained in Purchasing **once approved by TEA**. This is an extremely rare option that is hard to prove and should not be sought as a purchasing avenue.

Vendor Registration

A new vendor wishing to receive an invitation to participate in any district bid/proposal/quote should go to the following district address: <https://conroeisd.ionwave.net/Login.aspx> and follow the instructions under: "Supplier Registration".



IMPORTANT: Conroe ISD Purchasing currently uses an e-bidding process. All vendors must register as a supplier within the system to be able to receive notifications of proposals. Registration will not automatically make you or your company an approved vendor of Conroe ISD.

Please contact Purchasing with any questions regarding bid/proposal/quote requirements.

All vendors must have a District-approved vendor number. An approved vendor number is required **prior** to a purchase order or a PO/Encumbrance/Commitment being processed.

A vendor wishing to do business with the District **must** be awarded through a category specific bid/proposal or through a purchasing cooperative that Conroe ISD has an interlocal agreement.

Approved Vendor List

Conroe ISD's **awarded vendor list** is on Purchasing's website:

<https://www.conroeisd.net/financial-services-internal-employees-only/purchasing-internal/>

It is in alphabetical order and lists the CISD-approved vendor number; the proposal name; the contract reference number; the expiration date of the vendor approval; and special requirements or notes for processing a purchase order to that specific vendor. This list is updated monthly after the regularly scheduled Board meeting on the third Tuesday of each month.

venlistbd.4g1	ALPHA VENDOR BID LIST		10/05/2022	Page: 5
Vendor#	Vendor Name/Contact/DBA	Address/City/ST/Zip	Bid Info/Phone/Fax	
40000863	ALOE SOFTWARE GROUP LLC	1102 N WILLIAM STREET VICTORIA, TX 77901	REGION19 X6/23 800-521-2563	
37001724	ALONTI CATERING MELYSSA ANDREWS ALONTI CATERING	PO BOX 131608 HOUSTON, TX 77219	RFP #22-01-05 X7/27 832-585-0694	
42000399	ALPHAGRAPHICS THE WOODLANDS	2319 TIMBERLOCH PLACE SUITE A THE WOODLANDS, TX 77380	EPIC 6 X10/24	
33001335	AMAZON CAPITAL SERVICES INC SEE INSTRUCTIONS FOR SPEC VENDORS AMAZON COM	*DO NOT FAX PO - ONLINE PO CONFIRM* 410 TERRY AVENUE NORTH SEATTLE, WA 98109	CP #22/045KN-01 X8/23 866-781-3210 866-528-7989 OVER 50K APPROVED? Y	
39000351	AMAZON WEB SERVICES INC	PO BOX 81207 SEATTLE, WA 98108-1207	DIR-TSO-4221 X10/22	
50004621	AMC MUSIC MARTHA PALMER	4819 FEAGAN STREET HOUSTON, TX 77007	RFP #20-12-03 X7/26, EPIC 6 X6/24 800-833-8432 713-802-2988	
25001710	AMERICAN CERAMIC SUPPLY COMPANY GINGER FAMEGLETTI	2442 LUBELLE STREET FT WORTH, TX 76105	19-08-01A X7/24 866-535-2651 - -	

Timeline for Vendor Approval

- The vendor approval process could take anywhere from same day to 6 weeks depending on when the vendor responds and completes the process and the timing of Board agenda deadlines. **Registering** in the e-bid system does not automatically make a vendor an awarded vendor. They must also submit a bid response **and** receive notification from the Purchasing Department after the Board has approved them.
- If the vendor is also an employee (reimbursement/campus location), or individual (such as contracted service), conference, etc., contact the purchasing department with appropriate information consisting of name, address, phone, completed W9, and email address. The purchasing department verifies the information and will assign a new vendor number. This type of vendor does not go before the Board for approval.

Sole Source Vendor

A sole source vendor is defined as:

“Identification and confirmation that competition in providing the item or product to be purchased is precluded by the existence of a patent, copyright, secret process or monopoly.”

In order to approve a sole source vendor, Conroe ISD must obtain and retain original notarized documentation from the vendor, which clearly states the reasons that qualify the purchase to be made on a sole source basis. The request is then reviewed by the Director of Procurement Services. In most instances, these types of claims are not approved upon extensive research by the Purchasing Department. **Sole source is not an allowable option using Federal Funds in Conroe ISD.**

Unapproved Vendors

If a Conroe ISD employee wishes to purchase from an unapproved vendor **not currently listed** on the Conroe ISD's awarded vendor list, answers to several questions are needed, such as:

- Are the items available from an existing approved vendor or will a new bid/proposal need to be processed and Board awarded for the purchase?
- What is the estimated cost of this purchase?
- Does it qualify for the bid, proposal or the quote process?
- Can this item be purchased from a purchasing cooperative?
- Can this item be purchased using another district's current contract through an inter-local agreement with the school district?
- What funds are being used?

The purchasing department must consider all information known about the purchase request prior to approving the purchase method and/or approving a new vendor. This information is gathered to protect Conroe ISD against any possible unlawful purchase. In addition, the Purchasing Department does manage multiple bids that are awarded semi-annually in order to provide opportunities for vendors to become awarded and expand the current vendor pool.

Always contact Purchasing to assist in making the correct choice of purchasing method.

The ethical business practice is to investigate the best purchasing method prior to making a purchase or district financial transaction.

Frequent Questions and Answers

Question: I would like to use a new vendor that is NOT currently on the CISD-awarded vendor list but would like to do business with Conroe ISD. What is required?

Answer: First, if not already done, the vendor should register with Conroe ISD on Purchasing's website. (See "Vendor Registration" above.) The vendor should ensure that their registration contains valid contact information for their company, the commodity code(s) for the products and/or services the company sells, and this information should be regularly updated if it changes. Once the vendor registers, the vendor will receive notification of open bids applicable to their company, and they can elect to respond to any bids and proposals to become a CISD-approved vendor. After the vendor has responded to a Conroe ISD bid or proposal and has received approval by the School Board, they will then be listed on Purchasing's website as a CISD Awarded Vendor.

If the vendor makes you aware that their company has been awarded a contract through a purchasing cooperative, please notify the Purchasing Department. It is possible that the vendor could be added as a CISD Awarded Vendor once they have been vetted. However, the vendor should still register with Conroe ISD.

Vendor Performance

If your department/campus experiences any problems with a vendor, such as those listed below, **notify Purchasing immediately in writing**. Your input helps us to eliminate vendors and products that do not meet Conroe ISD service standards. A Vendor Evaluation Form can be found on [Purchasing's internal website](#).

- Late delivery
- Poor service
- Poor quality of goods/service
- Vendor not honoring proposal contract terms, such as, but not limited to, scope of work, insurance, safety, or reporting requirements
- Overages/shortages in amount ordered
- Missing items
- Problem or aggressive salespeople
- Unsafe products or services

Sample letter to send to any vendor inquiring to do business with Conroe ISD.

Letter to Vendor

This is a reminder to please follow these procedures when doing business with Conroe ISD.

1. All purchase commitments shall be made on a properly drawn and issued Conroe ISD purchase order. You must receive a signed hard copy of the purchase order before a valid contract for payment exists between your company and Conroe ISD.
2. The District shall not be responsible for payment of invoices that DO NOT have a corresponding properly drawn purchase order.
3. The District shall not be responsible for payment of invoices that do not have the purchase order number listed on the invoice. Invoices will be returned to the vendor.
4. Employees of the District who make purchases without a properly drawn purchase order shall be personally responsible for payment of invoice(s).
5. All invoices shall be mailed to Conroe ISD, Accounts Payable Dept., 3205 W Davis, Conroe, Texas 77304 or emailed to invoice@conroeisd.net.
6. The following documents must be on file in the Purchasing Department prior to a vendor being able to do business with Conroe ISD:
 - Documents relating to a specific bid/proposal
 - Proof of a current contract with a purchasing cooperative Board awarded category specific bid documentation
 - W-9 Form
 - Sole source affidavit (if applicable)
 - Any other required State or Federal documents requested by the District.

Cooperative Purchasing

The District is a member of numerous **purchasing cooperatives**. A purchasing cooperative (or “co-op”) is an arrangement in which multiple businesses combine their buying requirements onto a single contract and aggregate volume to enhance their purchasing power. What this means is the District does not have to process its own formal bid/proposal to purchase products from the list of **numerous approved cooperative vendors**. The purchasing cooperatives have done this as a service for school districts across the state including Conroe ISD (based on a board approved interlocal agreement). All vendors with current contracts with purchasing cooperatives that have been pre-approved by Conroe ISD Purchasing are approved vendors, and Conroe ISD may purchase directly from these vendors.

When processing a purchase order from a purchasing cooperative approved vendor, the name of the purchasing cooperative and the contract number MUST be referenced on the PO.

Some cooperative vendor pricing is negotiable. Call the vendor with a request for additional discounted prices for items of substantial quantities.

List of CO-OPS

The following is a list of purchasing cooperatives pre-approved by Conroe ISD Purchasing.

Conroe ISD Purchasing staff or employees can search a co-op website listed below for needed information/approved vendor(s) for a purchase. The vendor contract number will be listed and will include discounts offered, contact information, etc. on the cooperative’s website. Conroe ISD employees may contact Purchasing for any needed login or password information if it is not listed on the Purchasing Internal website.

NAME OF COOPERATIVE	WEBSITE
Texas Department of Information Resources (DIR)	https://dir.texas.gov/
The Interlocal Purchasing System (TIPS/TAPS)	https://www.tips-usa.com/index.cfm/
Central Texas Purchasing Alliance (CTPA)	https://www.txctpa.org/
Texas Multiple Award Schedule (TXMAS)	https://comptroller.texas.gov/purchasing/contracts/txmas/
BuyBoard	https://www.buyboard.com/
EPIC 6 – ESC Region 6 Interlocal Purchasing Cooperative	https://www.esc6.net/41667_1
Houston/Galveston Area Council of Governments (HGACBuy)	https://www.hgacbuy.org/
OMNIA Partners	https://public.omniapartners.com/
Choice Partners	https://www.choicepartners.org/
Allied States Cooperative (Region 19)	https://www.esc19.net/domain/178/
Sourcewell	https://www.sourcewell-mn.gov/contract-search

Purchase Orders

General Information

All items to be purchased shall be procured through the use of an **approved, signed Conroe ISD purchase order**. The purchase order shall be processed through the CISD's financial software system. The Purchasing Department must approve purchases via a requisition and assign a purchase order number before purchases are to be made.

No purchases are authorized without issuance of a purchase order, as payment will not be made for such purchases. Anyone creating or authorizing such a commitment prior to securing a purchase order number will be held personally liable for payment of such agreement and/or may be liable to prosecution under the Texas Penal Code Chapter 39 Abuse of Office, Section 39.01. Goods and/or services should not be ordered or accepted (written or verbal) until an official CISD purchase order has been issued. Any individual placing an order without a P.O. number will be responsible for payment of the invoice.

From Conroe ISD's auditor: "The purpose of having a purchase order system is to obtain proper approvals before commitments are made, allow for encumbrance accounting and provide budgetary control. Allowing purchases to be made before getting proper approval circumvents the purchasing system and reduces its effectiveness."

From the Purchasing Department:

"District purchase orders are to go through the district requisition approval process prior to an order being placed or any financial transaction. Requisitions are reviewed and processed for approval and sent via fax or email from the purchasing department daily. There should not be a delay in placing orders if the requisition meets all district purchasing requirements."

Open Purchase Orders

Open Purchase Orders are only for select vendors that are approved by the Purchasing Department. Open purchase orders and/or open accounts are established with vendors by the Purchasing Department only through Board approval of contracts/agreements, competitive bids, proposals or by quotes. Purchase Orders not issued in this manner are considered to cover a one-time single purchase per each Purchase Order number assigned. See Accounts Payable Manual for full guidelines.

Purchase Requisition

In order to procure goods or services, a requisition must be entered into e-Finance – select Purchasing | Requisitions. Once all required levels of approvals have been granted, the purchasing approver/buyer will give final approval and convert the requisition into a purchase order. **Note that the requisition number will always be different from the purchase order number.**

Approval Levels

The Purchasing Department **cannot** approve and/or convert a requisition into a purchase order until the requisition has met all levels of security and been approved by the staff member associated with the specific level of budgetary security. This must happen in a chronological order in relation to how the budget code has been established within the finance system. All Purchase Requisitions must follow the established routing for purchase approvals, beginning with the designated Director or School Principal. Requisitions involving Technology, Bilingual, Federal Funds, etc., must be routed through those departments as well for approval before being electronically sent to Purchasing. In the event a Director or Principal is absent he/she may designate approval authority to another person(s). **The budget authority granted to a Principal or Director in no way authorizes them to execute contracts or make purchases in the name of the District.**

Employees should not purchase materials with their own money with the intention of being reimbursed by the district. Instead, the purchasing procedures outlined in this section should be followed.

Orders must not be deliberately split to avoid the necessity for quotes or competitive bids. This is a violation of state law (which includes component purchases, separate purchases, and sequential purchases).

Requisitions that are approved and meet appropriate vendor criteria (Bid/RFP/CSP/Co-op) are converted into purchase orders daily. If there is an emergency that could directly impact the safety or well-being of a student(s) of Conroe ISD, please e-mail or call Purchasing for immediate assistance.

If the requisition is to an unapproved vendor, **it will be denied (no purchase order will be issued)**. A vendor number in e-Finance does not always mean they are an approved vendor. Please check the Awarded Vendor List or contact the Purchasing Clerks prior to making a purchase.

Binding Commitment

A purchase order, once approved, is a binding commitment or contract [reference policy Purchasing and Acquisition CH (Local)] for the District to remit payment to the vendor after the receipt of the item(s) and Conroe ISD receives an invoice. A purchase order is also an important accounting and legal document. It contains information for the expenditure to be made and the proper budgetary account code to be charged. Once issued, the purchase order encumbers funds, which serves as an expenditure control mechanism. Finally, the purchase order is utilized in the accounts payable process as it documents that an order has been received and accepted by Conroe ISD staff, and payment can be made to the vendor.

The purchase order serves as a formal order for goods, materials and/or services from a vendor. No staff member should "call in" an order without a signed, approved Conroe ISD PO.

Required Components of a Purchase Order

If one or more of these components is incomplete or missing, the purchase order will either be delayed from processing and/or cancelled completely.

- Approved vendor (Contract number will automatically print on the PO).
- Requestor name (person inputting PO or the person the product is being ordered for)
- Ship to organization number (Example: 001 for Conroe HS)
- Budget account code
- Description field - Detailed information of the product/service to be ordered
 - Input detailed/itemized information for EACH item to be purchased. If a stock number is available, put in the description field first. Descriptions of goods or services must be detailed or “spelled out” completely. Just an invoice/stock/part number will not be approved. The more information the better. There will be five lines available for each item’s description.
 - WHO, WHAT, WHEN, WHERE: Notate who the order is for to ensure proper coding, a brief description of what the order contains, when the event is occurring (if appropriate). For food purchases for staff, be sure to follow CISD Administrative Policy.
- Quantity to be ordered
- Unit of measure (Examples: EA for each, CS for case)
- Unit price
- Freight charges **MUST** be included and allowed per the contract
Shipping & Handling charges should always be shown as a separate line item as part of the requisition entry. If the amount is unknown, use an average charge of 10% of the order. Requisitions absent of shipping are subject to be denied approval.
- Budget code and account number
- COMMENTS: **REQUIRED CONTRACT/ CO-OP REFERENCE NUMBER**. This number will automatically print on the purchase order.
- NOTES (added to the requisition)
The notes will print before the line items of the PO. This field of the requisition is to relate information to the purchasing department and/or the vendor. Note any special delivery instructions and any other applicable information to assure a complete order arrives in a timely manner. Type the quote number if applicable.
- Commodity Codes (**required** on all requisitions) – Used to track spending per State/Federal guidelines.

CONROE ISD COMMODITY CODES

Commodity Category #	Commodity Codes	Category Name	Commodity Description
100-000		Administration	
	100-001	Administration	Activity Fund Transfer
	100-002	Administration	Advertising
	100-003	Administration	Fees & Dues: Facility Rentals (Field trips, Banquets, small group events)
	100-004	Administration	Fees & Dues: Memberships
	100-005	Administration	Fees & Dues: Registrations (webinars, online classes, conference fees, recruiting fees)
	100-006	Administration	Royalties
	100-007	Administration	Fees & Dues: Facility Rental: Graduation/Prom rentals
	100-008	Administration	Fees & Dues: Athletic Events
	100-009	Administration	Fees & Dues: Elections

Requisition Attachments

Written Quotes are required for the approval of all requisitions. Quotes must be attached to your requisition. This is part of the approval process and requisitions absent of necessary scanned attachments in the system are subject to having the request denied or placed on hold until the discrepancies are rectified.

Additionally, the following rules apply in the following situations:

If the requisition is for the expenditure of federal funds, the CISD Quote Form and multiple quotes must be completed, signed, and attached to the requisition per CISD Purchasing Guidelines listed on the Purchasing Internal website under ["Do I Need a Quote Chart?"](#).

If the requisition is for travel and/or professional development, please refer to the Conroe ISD Travel Manual for guidance and instructions.

Online Purchasing Instructions

Online purchases are required for Daniel Office Products and School Specialty companies unless items are unavailable online or you have secured special pricing. Online purchases require a one-line purchase order entered in eFinancePlus that includes the online order # in the description (ONLY one online order # per PO). Instructions can be found on the purchasing website.

Material Preview Purchase Order

1. Materials to be previewed must be ordered on a Purchase Order in the usual manner. All usual conditions for issuing a Purchase Order shall apply.
2. Review of the materials must be made within fourteen calendar days after receipt of merchandise. A decision whether to keep or return the materials must be made in a timely manner because State law requires that vendors be paid within thirty days.
3. The original encumbrance on the Purchase Order cannot be reduced because the materials have been returned, but only upon acknowledgment by the vendor with a credit memo.

Open Records Requests (Public Information Act)

All information collected, assembled or maintained by governmental bodies pursuant to law or ordinance or in connection with the transaction of official business is public information and available to the public during normal business hours of any governmental body with certain exceptions. Three exceptions clearly concern the purchasing operation found in: Texas Education Code Title 110A, 6252-17a, Section 3

1. Information, which if released, would give advantage to competitors or bidders;
2. Information pertaining to the location of real or personal property for public purposes prior to public announcement of the project, and information pertaining to appraisals or purchase price of real or personal property for public purposes prior to the formal award of contracts therefore;

3. Trade secrets and commercial or financial information obtained from a person and privileged or confidential by statute or judicial decision;

The concern is that information is not disclosed at inappropriate times leaving the District unprotected. A formal Open Records Request must be filed with the District's Legal Department prior to the release of any information.

Guidelines for Opening New Campus

Contact Information

PLANNING AND CONSTRUCTION DEPARTMENT MR. EASY FOSTER, DIRECTOR
936-709-7785

PURCHASING DEPARTMENT MR. RICK REEVES, DIRECTOR OF PROCUREMENT
SERVICES
936-709-7798

Guidelines for Opening a New Campus

Construction Funds

Construction Budget Timeline

The general timeline for the spending of construction funds of a "NEW" campus covers a one to two- year period. The items to be purchased are to be a "one time" purchase of furniture, equipment and supplies for the startup of the campus.

The exception to the two-year rule would be when a high school does not open with all four grade levels the first year.

Contracted Services Guidelines

Contracted Service Process:

A consultant is an independent contractor, not an employee, which offers services to the public. A consultant usually maintains an office and usually provides the equipment and materials necessary for completing or performing a service. A consultant is paid on a fee basis for specialized services that are usually considered to be temporary or short-term in nature, normally in areas beyond the expertise of the employing entity's employees.

Consultants hired to perform a service will execute a written contract acceptable to the District, prior to the performance of the service. Travel charges are not reimbursed by the District. A copy of the signed contract must be attached to the requisition/request to pay consultant.

All service contracts that CISD enters into must have a fully completed *Professional Services Contract* (most current version is on the Purchasing Internal website under "Forms") that is signed by the Principal or Department Head, Vendor, and Superintendent.

Prior to any contract going to the vendor for a signature, it should be filled out completely at the campus or department.

Page 1 -

- Date CISD is entering into the contract
- Name of Vendor
- Services vendor is providing
- Scope of Services
- Fees
- Terms of Contract (beginning and ending dates (please note: cannot go beyond current school year).

Page 2 – If the contract is paid out of any grants, if not – **N/A**

Page 4 – If District needs to provide any student information

- **Your campus contact info**

Page 5 –Vendor contact information

- Principals signature (prior to going to the vendor)
- Vendors signature

Page 6 – Exhibit A need to be completed by the vendor

Page 7 – CISD needs to have a copy of the vendors W-9 on file.

Once the completed contract has been returned to you (with principal and Vendor signatures), please attach a routing slip/approval form) and send to the appropriate Assistant Superintendent for approval and signature. At that time, it will be routed thru legal and finance for their approvals prior to it being sent to the Superintendent for the final approval and signature.

When contracting services with a company or individual, a regular purchase order or an open purchase order (if multiple payments are to be done) must be processed in the financial

accounting system to legally encumber the funds that will be expended. These vendors must meet the Conroe ISD requirements of being a CISD-approved vendor. An approved Request for Proposal (RFP) or Co-op contract, a CISD-approved and fully signed Contract/Agreement, Conflict of Interest (CIQ) form, and a W-9 form must be on file in the purchasing department for the purchase of the services. In some instances when using activity funds, a bid or co-op reference may not be required. Partner with the Purchasing Department if unsure.

A copy of the signed Contract must be attached to the purchase order being processed. **All vendor-supplied contracts must be approved by Conroe ISD's legal department. The vendor-supplied contract, and a copy of the legal department's approval must be attached to the requisition.**

Contract Signatories

Contracts exceeding \$50,000 after approval by the Board of Trustees may only be signed by the following:

- The Superintendent of Schools may sign any authorized and lawful contract on behalf of the Board of Trustees.
- The Chief Financial Officer may sign any authorized and lawful contracts on behalf of the Board of Trustees in absence of the Superintendent.
- The Chief Financial Officer is authorized to sign all purchase orders for the purchase of goods and services.
- The budget authority granted to a Principal or Director in no way authorizes them to execute contracts or make purchases in the name of the District.

Lease Rental Contracts

Any contracts for rental, lease, lease purchase, or any other provisions that will extend past the fiscal year must:

- Have cancellation provisions and must be renewed by the issuance of a new Purchase Order for each fiscal year, (Attorney General of Texas Opinion No. M-950 dated September 14, 1971.) and
- Be approved by the Director of Procurement Services, or the Chief Financial Officer

Purchasing FAQ's and Miscellaneous Information

Purchase Order Revision/ Changes/PO Change Orders:

No changes on a purchase order are allowed without authorization and approval from the Director of Procurement Services. Notify Purchasing in writing by submitting an official Conroe ISD change order request form. Purchasing will verify the change with the vendor and/or requestor. The change order will be processed upon approval by the Director of Procurement Services and Conroe ISD Finance.

Purchase Order Cancellation:

A purchase order is a contract. In order to cancel a contract, both parties must agree to break the contract. The following steps are required to cancel a purchase order:

- If a purchase order has been previously sent/faxed to the vendor, contacting the vendor to request a cancellation is the sole responsibility of the buyer or originator of the PO.
- The vendor must confirm cancellation to the named buyer on the PO prior to any request made to the accounts payable department to close any purchase order.
- For orders that ship before a cancellation can be made, the purchase order is to remain open until the vendor can confirm receipt of returned items, at which time a request for closing the purchase order can be made to the accounts payable department by the buyer.
- Closing a PO due to cancellation is done by forwarding the [PO Cancellation form](#) (located on the Purchasing Internal website) after it has been signed by the vendor to cancelpofoms@conroeisd.net.
- After the purchase order has been cancelled and closed, an email from the Purchasing Department will be sent to the buyer and accounts payable. The encumbered funds are then returned to the budget account.

Furniture Purchases

Any furniture purchases made must include inside delivery and assembly and trash removal charges. When requesting these quoted prices, the above-mentioned conditions **MUST** be included in the cost of the item(s).

The District's maintenance and custodial departments are **NOT** available to assemble furniture.

Warehouse Inventory:

Each campus is responsible for ordering replacements of flags, pencil sharpeners, trash cans, etc. These purchases should be charged to each campus' regular supply budget or activity fund. Prior to ordering any of these items from an outside vendor, it is mandatory that the warehouse be contacted to rule out Conroe ISD availability.

Is a purchase order required for travel reimbursement expenses?

Yes, a purchase order is required. Refer to the [Travel Department website](#) for guidance.

Where do I find awarded vendors for {Insert Goods/Services}?

Awarded vendors can be found on the Purchasing Internal website under the [Shopping A-Z](#) link.

Warehouse Procedures

Ordering

1. Ordering Inventory (Warehouse request) – Warehouse inventory is processed daily. If a requisition is entered AND approved by 2 PM, it will be processed and delivered on your next scheduled delivery day. If an emergency arises, call and we will do our best to deliver it to you ASAP. The 'ship to' code will be YOUR CAMPUS NUMBER. You may print a list of inventory. ****You MUST hit the FINISH button when approving warehouse requisitions. ****
2. **Purchase Orders to Vendors** – When entering a description, list the model number first, then the description. It has to be enough of a description that the warehouse knows what it is and what it includes. Ex: QT41X- – Wooden Geometric blocks, set/12. **List the main description on the first 2 lines of the text box.** Do not list any warehouse delivery information in the Notes section of the requisition. The warehouse does not see the PO Notes. State the warehouse delivery instructions in the Attention line. Ex: Jane Doe/ Room 210.
3. **School Specialty Companies' and Amazon Orders** – All delivery information is programmed by the Purchasing Department and cannot be changed at the campus level. For questions, or for more information, contact Purchasing @ 936-709-7705.

Delivering

1. The delivery schedule is available in the Frequently Asked Questions section on the Warehouse website. Campus deliveries are made Monday through Thursday with Fridays designated for textbooks and special deliveries.
2. **No delivery or pick up will be made without prior knowledge of Warehouse Lead and/or Supervisor.**
3. All boxes/packages from the Warehouse will have the school name and purchase order number written in GREEN marker. This is to help identify items shipped through the Warehouse.
4. Please verify the NUMBER OF BOXES you are signing for against the number on the JUMPTRACK system.

Warehouse Paperwork(Jump Track System)

There are three (3) basic forms emailed to the campus secretary each designated delivery day:

1. **P.O. Lister** – copy of the purchase order; this reflects items being shipped.
2. **Warehouse Requisition** – lists supplies that have been ordered out of '727W' inventory.
3. **School Specialty Co.** – copy of School Specialty orders.

NOTE – You need to re-verify the contents of each box within five (5) school days, not upon delivery. If there are any discrepancies, please contact your warehouse as soon as possible.

Your campus secretary (or designee) will also receive an automated email from our delivery signature program (ECI Jumptrack). This email will show who signed for the

package and the time and may be used for multiple campus items (Ex: student insurance forms, etc.) where no paperwork is necessary. **All items delivered through the warehouse are received on the eFinancePlus system by the warehouse. It is NOT necessary for you to do so.**

Processing

1. Merchandise is shipped to the warehouse when a purchase order is generated. Inspection, clarification, and documentation follow in an expedient manner. Problems such as damaged or incorrect items and duplications arise. Solving these problems is part of the process and delays do occur. We will work closely with the vendor, accounts payable, and the appropriate campus to resolve any issues as soon as possible.
2. The following items should be delivered directly to your campus (NOT to the warehouse): live specimens, subscriptions, extremely heavy items such as weight room equipment and clay, trophies, any items needing to be installed, library books and videos (large orders with attached lists), book binding, large lots of furniture, repaired instruments, apparel transported in hanging clothes racks (formal gowns & tuxedos), uniforms (drill team, cheerleader, band, etc.), pickup orders. All software and computer hardware should go through the TLC warehouse '728'.

Returns

1. If a return is necessary, call your warehouse to begin the return process.
2. Many times, problems with an order are better explained to the vendor by you. When in contact with the vendor, be sure to ask for the following:
 - a. Who is paying for the return?
 - b. Is return authorization # required?
 - c. If the campus is paying, to what address is it being returned?

Pass this and any other pertinent information on to the warehouse. This will ensure your items are correctly returned and you receive the credit or replacement that is due. Keep us informed as we intermediate between Accounts Payable, the vendor and you.

*****If it comes through the warehouse, it should be returned through the warehouse.***

*****CISD***

Child Nutrition Department Manual

Code of Conduct

This Code of Conduct has been created to establish and maintain effective oversight over the Conroe ISD Child Nutrition Department's financial management system that provides reasonable assurance that the Conroe ISD Child Nutrition Department is managing the program in compliance with all federal, state, and local regulations and terms and conditions of the program award and; To establish and maintain effective oversight over those definitive actions related to the procurement process, establish standards of ethical conduct for procurement actions, and provide full and open competition in all procurement actions.

Conroe ISD – Child Nutrition Department Code of Conduct

As representatives of the Conroe ISD Child Nutrition Department, all employees are expected to conduct themselves in a professional and ethical manner, maintaining high standards of integrity and the use of good judgment. Employees are expected to be principled in their business interactions and act in good faith with individuals both inside and outside the Conroe ISD. The following Code of conduct shall govern the performance, behavior and actions of the Conroe ISD Child Nutrition Department, including employees, directors, officials, or agents who are engaged in any aspect of procurement, including – but not limited to – purchasing goods and services; awarding contracts; or the administration and supervision of contracts.

- No employee, directors or agent of the Conroe ISD Child Nutrition Department shall participate in the selection, award or administration of a bid or contract supported by federal funds if a conflict of interest is real or apparent to a reasonable person.
- Conflicts of interest may arise when any employee, directors or agent of the Conroe ISD Child Nutrition Department has a financial, family or any other beneficial interest in the vendor selected or considered for an award.
- No employee, directors or agent of the Conroe ISD Child Nutrition Department shall award contracts to, or show favoritism toward a member of his/her immediate family, spouse's family or to any company, vendor or concern who either employs or has any relationship to a family member; or award a contract or bid which violates the spirit or intent of Federal, State and local procurement laws and policies established to maximize free and open competition among qualified vendors. Those circumstances where interests, financial or otherwise, are not substantial or are within the limits of applicable Federal, State and local laws and the policies and procedures of the Conroe ISD, the Superintendent's Cabinet shall determine whether the conflict is material under the circumstances.
- The Conroe ISD Child Nutrition Department employees, directors, and agents will not solicit gifts, including but not limited to travel packages or other incentives, and/or donations from prospective contactors. However, incentive language may be included as part of the competitive procurement (formal bid and request for proposal) solicitation language to acquire the most favorable terms for the operation and benefit of the non-

profit food service account. Such incentives include but are not limited to volume rebates, timely payment discounts, program promotion assistance, upfront savings, etc.

Incentives, Gratuities, or Kickbacks

In accordance with the State of Texas Department of Agriculture (TDA) "Administrative Review Manual" (ARM) Section 16, 16.18, Conroe ISD Child Nutrition Department employees; officials; agents acting on the Conroe ISD Child Nutrition Department behalf; any member of the immediate family of the Conroe ISD Child Nutrition Department employee, officer, or agent acting on the Conroe ISD Child Nutrition Department behalf; or business partner of the employee, officer, or agent acting on Conroe ISD Child Nutrition Department behalf cannot accept anything of value from a vendor. Incentive, gratuities, or kickbacks include, but are not limited to, personal gifts or gratuities that may be construed to have been given to influence the purchasing process.

Although such practices may be accepted in the private sector, giving and receiving gifts in the public sector may constitute a violation of law. Gift to a Public Servant is a Class A misdemeanor offense if the recipient is a government employee who exercises some influence in the purchasing process of the governmental body.

A Conroe ISD Child Nutrition Department employee or former employee must not knowingly use confidential SNP information for the actual or anticipated personal benefit or benefit for any person or entity.

Conroe ISD will apply disciplinary actions for violations of above stated standards by Conroe ISD Child Nutrition Department employees, officers, or agents acting on the Conroe ISD Child Nutrition Department behalf.

- Conroe ISD Child Nutrition Department will provide guidance to each employee, officer, or agent acting on the Conroe ISD Child Nutrition Department's behalf at the time of hire on how to avoid undue influence. Conroe ISD Child Nutrition Department will offer training and provide all employees, officers, and agents acting on behalf of Conroe ISD Child Nutrition Department a copy of Conroe ISD's Employee Manual that addresses professional and ethical standards.
- Conroe ISD Child Nutrition Department requires any employee, officer, or agent acting on behalf of Conroe ISD Child Nutrition Department to disclose in writing any possible situations where there is an appearance of incentives, gratuities, or kickbacks being received.
- Conroe ISD will consult with their attorney or legal counsel if there is a question about whether a specific situation is a conflict of interest.

Benefits Received

Conroe ISD Child Nutrition Department employees; officials; agents acting on the Conroe ISD Child Nutrition Department behalf; any member of the immediate family of the Conroe ISD Child Nutrition Department employee, officer, or agent acting on the Conroe ISD Child behalf; or business partner of the Conroe ISD Child Nutrition Department employee, officer, or agent

acting on Conroe ISD Child Nutrition Department's behalf must not solicit or accept gratuities, favors, or anything of monetary value from contractors or parties to subcontracts.

When incentives are offered by the contractor and accepted by an individual, the incentive must become the property of Conroe ISD Child Nutrition Department. Under no condition can the incentive become the property of an individual. The Conroe ISD Child Nutrition Department use the following written procedures on how it will avoid unallowable practices based on benefits received:

- CBB(Legal) Under Crimes and under Conflicts of Interest
- CH(Legal) Under Conflict of Interest
- CB(Local) Under Gifts and Gratuities
- CAA(Local) Under Federal Awards Disclosure
- DBD(Local) Under gifts, endorsements and sales
- CB(Local) Gifts and Gratuities

Certification Regarding Lobbying

Lobbying certification requirements are applicable to grants, sub-grants, cooperative agreements, and contracts exceeding \$100,000 in federal funds.

Conroe ISD Child Nutrition Department uses the following procedures

- **Documentation:** Conroe ISD Child Nutrition Department will take actions to ensure that the proper documentation is prepared, shared as required, and retained.
- **Use of Funds:** Conroe ISD Child Nutrition Department requires that federal funds must not be paid by or behalf of the Conroe ISD Child Nutrition Department to any person influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of a Federal contract, the making of a Federal grant, the making of a Federal loan, the entering into a cooperative agreement, and the extension, continuation, renewal, amendment, or modification of a Federal contract, grant, loan, or cooperative agreement.

Debarment and Suspension

Conroe ISD and their subcontractors must not make or permit any award, sub-award, sub-grant, or contract with an individual or entity that is debarred or suspended or is otherwise excluded from or ineligible for participation in federal assistance programs, per the TDA Administrative Review Manual (ARM), Section 16.20.

- Conroe ISD Child Nutrition Management Department will Include the following debarment and suspension certification in every written agreement with subcontractors:

Sodexo certifies that neither it nor its principals are presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participating in this Agreement by any federal department or agency or by the State of Texas. Sodexo shall immediately provide written notice to Conroe ISD Child Nutrition

Management Department if at any time Sodexo learns that this certification was erroneous when submitted or has become erroneous by reason of changed circumstances. Conroe ISD may rely upon a certification of a subcontractor that it is not debarred, suspended, ineligible, or voluntarily excluded from the covered contract, unless it knows that the certification is erroneous.

- Conroe ISD Child Nutrition Department will require the subcontractor to sign and submit the TDA form entitled “Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion for Covered Contracts (H2048)12” and maintain the signed form with its contract record.
- Conroe ISD Child Nutrition Department will print the page from the System for Award Management (SAM) which indicates the subcontractor is not presently debarred or otherwise excluded from participation in the contract by any federal department or agency or by the State of Texas and will maintain that document on file with the contract documents. The System for Award Management can be accessed at www.sam.gov/portal/SAM/#1

Staff Purchase of Items on Awarded Contracts

Conroe ISD Child Nutrition Department does not allow any employee, officer or agent acting on behalf of Conroe ISD Child Nutrition Department to take advantage of Conroe ISD Child Nutrition Department’s procurement by purchasing off an awarded contract.

Per the ARM, Section 16.22, Confidentiality and Program Integrity, this type of activity as actually accepting the cash difference between the bid or discount price and the amount the individual would have paid for the item in the regular retail market. This is a financial incentive. When an individual pays for the purchase, the payment does not remove the financial incentive. Even if the contractor were to charge retail price, the individual would still be receiving the convenience of a personal delivery and would be accepting a favor from the contractor—therefore, this is an unallowable practice.

Contracting with Persons and Companies for Assistance in Developing a Solicitation

Per the ARM, Section 16.22, Confidentiality and Program Integrity, when acquiring goods and services, contracting entities (CEs) may contract with agents or companies that provide technical information in drafting procurement specifications and/or technical requirements. This provision is intended to encourage program administrators to obtain information from as many sources as possible to assist them in drafting procurement documents.

- Potential Offerors or Interested Parties Involved in Developing a Solicitation Conroe ISD Child Nutrition Department will not accept a contractor or other interested party’s offer if the contractor or other interested party assisted with or drafted the procurement specifications and/or technical requirements, procedures, or documents.

Food Taken from Schools

Conroe ISD Child Nutrition Department does not allow any employee, officer, or agent acting on behalf of the Conroe ISD Child Nutrition Department to take food or leftover food (including milk) from the premises for personal use, personal gain, or benefit to another person or entity.

Child Nutrition Procurement Procedures Manual

This Procurement Procedures Manual (2 CFR 200.318) has been created to ensure that all purchases made with the Child Nutrition (CN) Federal Funds are in compliance as regulated by all Federal, State, and Local written policy.

Conroe ISD uses the following resources for all procurement methods:

- Super Circular 2 CFR part 200
- Texas Department of Agriculture's (TDA) "Administrative Review Manual," Section 16 and 17 Education Department Guidelines and Regulations (EDGAR)

The following standards will be applied to all procurement methods. Solicitations will....:

- a. Allow for "full and open" competition
- b. Be handled with integrity and fairness to all potential bidders
- c. Award responsive and responsible contractors
- d. Be fully documented to allow for complete transparency and follow the 5-years record retention requirement

Conroe ISD allows the Child Nutrition Department to participate in the following:

1. Agreements

- a. Inter-governmental agreements (operator-only/ESC)
- b. Third Party Cooperatives
- c. Agents

2. Informal Purchases

- a. Micro-Purchase: any purchase that does not exceed the State threshold of \$10,000.
- b. Small Purchase Acquisition: any purchase that exceeds \$10,000 but is not greater than the State threshold of \$50,000.
- c. Conroe ISD does not have a more restrictive Small Purchase threshold.

3. Formal Purchases

- a. Competitive Bid
- b. Competitive Proposal (RFP-Request for Proposal)
- c. Non-Competitive Proposal. TDA "pre-award approval" required

Conroe ISD will use the following 4 phases of procurement:

1. **Planning.** Below is a list of the first steps that will be taken prior to any purchase.
 - a. What is needed in the way of product/products and/or services?
 - b. When are the products or services needed?
 - c. What is an estimated cost of the products or services needed? Multiple resources will be used to determine an "estimate" of the value or cost. The

cost/price analysis will be used to determine the most appropriate procurement method.

- d. How we will pay for the products and/or services?

2. Forecasting

Below is a list of the resources to be used for forecasting our needs.

- a. We will review our past program to determine if the products or services were used in the previous program year.
- b. Current program needs will be assessed, and product amounts and/or service needs will be determined.
- c. Upcoming program years will be considered in regard to future needs and possible renewal or extensions of contracts if necessary.

3. Soliciting

- a. The following general steps will be taken to start the solicitation process. Each procurement method is more specifically outlined later in this manual.
- b. Based on the cost/price analysis in our planning phase, the most appropriate procurement method will be used.
- c. A general specification with details will be written to document the product or service needed.
- d. Terms and conditions of the contract will be outlined and reviewed to ensure the solicitation clearly describes our needs and deliverables required.
 - i. Each solicitation will include the following information:
 - ii. Deadline (date and time) the quotes or responses are to be received.
 - iii. The method the quotes or responses are to be submitted and to whom.
 - iv. Evaluation criteria, if any is used, clearly outlined to include scoring rubric.
 - v. Date and time by which the solicitation will be awarded.
 - vi. Term of the contract and if any renewals or extensions will be allowed.
- e. Research will be done to identify potential suppliers.

4. Awarding

Based on the procurement method, the following general processes will be used:

- a. A winner will be selected using the following methods.
 - i. Equitable distribution for all Micro-Purchases.
 - ii. Low bid winner for Small Purchases and IFB's.
 - iii. A single winner through evaluation criteria for Small Purchases and RFP's.
 - iv. Pre-award approvals must be obtained from TDA for any solicitation that is deemed non-competitive or sole source.
 - v. Multiple winners are selected for RFP's when a "line-item" award approach is taken to procure the best price for each product specified in the solicitation.

5. Contract Management

The following items will be monitored during the life of an awarded contract.

- a. Quantities specified are made available and delivered.

- b. Delivery times and schedules are being met per contract terms.
- c. Product deliveries and/or services are occurring at the correct location if multiple locations are part of the awarded contract.
- d. Products and/or services are meeting the specifications as described in the solicitation.
- e. Substitutions of products are being handled as outlined in the Terms and Conditions and are adequate to the specified product.
- f. Vendor response time to product or service issues is appropriate in regard to each situation, if any.

Procurement Methods: Informal and Formal (2 CFR 200.320)

Conroe ISD will follow the below steps with each procurement method.

Micro-Purchases

The micro-purchase method is an “Informal Procurement Method” for purchases where the aggregate value in a single transaction is at or below \$10,000. This enables the District to purchase supplies or services without soliciting competitive quotes if the school considers the price reasonable. The District may purchase products and/or services that are similar or dissimilar, purchased as a single or collective unit.

- a. All unplanned, non-routine purchases with an aggregate total that does not exceed the threshold of \$10,000 are allowed (2 CFR 200.67) and will include:
 - i. Documentation that explains the reason for the purchase and vendor name.
 - ii. List of items or service purchased.
 - iii. Receipt.
 - iv. All documentation will be kept with payment documents in A/P
- b. Types of Micro-Purchases allowed:
 - i. Emergency and/or equipment repair parts
 - ii. Small to medium catering events
 - iii. Emergency food shortages
 - iv. Staff training and travel expenses
 - v. Small kitchen equipment purchases
- c. The following employee positions have permission to make a Micro-Purchase:
 - i. Child Nutrition Supervisor and Specialist
- d. Eligible vendors.
 - i. Equitable distribution of purchases will be made to all suppliers within an appropriate proximity to the district’s school sites
 - ii. Only district-approved and qualified suppliers
- e. Payment for Micro-Purchases.
 - i. Purchase Order will be issued by Purchasing Department
 - ii. Payment will be made via check by Accounts Payable Department

Small Purchases

The small purchase method is an “Informal Procurement Method” for purchases that exceed the micro-purchase threshold but have an aggregate amount no greater than the Simplified

Purchase Acquisition threshold of \$50,000. The District must contact a minimum of 3 potential suppliers and attempt to get a minimum of 2 quotes.

- a. Based on the determination through a cost/price analysis that a purchase will exceed the Micro-Purchase threshold (2 CFR 200.67) but will not exceed the State's/District's Simplified Purchase Acquisition (Small Purchase) threshold of \$50,000
- b. Allowable types of Small Purchases:
 - i. Single/one-time purchase with an aggregate amount between \$10,000<\$50,000
 - ii. Multiple purchases of same or similar products and/or services from a prime vendor during the fiscal year with an aggregate amount between \$10,000<\$50,000
- c. Conroe ISD will use the following steps to make a Small Purchase (2 CFR 200.320 [b])
 - i. Identify potential suppliers; who to contact for bids; what is available on the market.
 - ii. Write the product and/or service specification to include details but not restrictive as to exclude competition.
 - iii. Draft the solicitation to include contract terms and conditions, invoice methods, delivery and/or service requirements, duration of contract, and evaluation criteria if any is being used with the scoring rubric.
 - iv. Contact a minimum of 3 vendors (if possible) and provide each one with the same information to include all details of the solicitation. Emailed or faxed documents is the preferred method, but verbal delivery of solicitation details is allowed.
 - v. Document vendor responses to include:
 - Vendor name and contact with email address and phone
 - Contact method
 - Price quoted to include the date received
 - Duration of the price quote
 - If less than 3 quotes are received, explanation of why this occurred will be included in the documentation
 - vi. Award will go to the most responsive and responsible vendor with the lowest price or highest evaluation score if used. A responsive vendor is one whose response conforms to all the material terms and conditions of the solicitation. A responsible vendor is one whose financial, technical, and other resources indicate an ability to perform the services required.
 - vii. All documentation will be kept in a file labeled "Small Purchase Acquisitions"
- d. The following employee positions have permission to make a Small Purchase:
 - i. Child Nutrition Supervisor and Specialist
- e. Eligible vendors.
 - i. All suppliers that have been identified as potential bidders
 - ii. Only district-approved and qualified suppliers
- f. Payment for Small Purchases.
 - i. Purchase Order will be issued by Purchasing Department
 - ii. Payment will be made via check by Accounts Payable Department

Capital Expenditures

Texas Department of Agriculture (TDA) requires a CE to get pre-approval on expenditures for food service equipment or alterations to equipment, only if the total equipment “per unit” cost is greater than \$5,000.

- a. Conroe ISD will submit a request for approval prior to purchasing the item via email to TDA including:
 - i. District Name, CE ID, and contact information (phone and email address)
 - ii. Description of the equipment, including the purpose and how it supports the operation or maintenance of the District
 - iii. Provide an estimated cost and whether or not we have sought bid pricing
 - iv. Describe how the old equipment (if any) will be disposed of and acknowledge that any proceeds from the disposal will be used to offset the cost of the replacement
 - v. Acknowledge that any equipment purchased will be used exclusively (100%) by the District

Competitive Sealed Bidding (IFB – Invitation for Bid)

The competitive sealed bidding method is a “Formal Procurement Method” that is used when the contract value is at or above the Small Purchase threshold, which is \$50,000 in the state of Texas. The formal procurement method requires a District to post a public advertisement in a newspaper of general circulation for two consecutive weeks upon release of the solicitation. It is recommended that the District post the advertisement on their website or a trade website as well as email or make phone calls as a means of advertising to potential bidders.

- a. Conroe ISD will ensure the following conditions:
 - i. A complete, adequate, and realistic specification or purchase description will be made available
 - ii. The procurement lends itself to a firm fixed price contract and the selection of the successful bidder can be made principally on the basis of price
 - iii. Evaluation criteria will be included in the solicitation in regard to determining a winner if the same price has been received from 2 or more different vendors
- b. Conroe ISD will adhere to the following requirements:
 - i. The solicitation will be publicly advertised
 - ii. Provide detailed information such as response time, date and time responses are to be received, how responses must be submitted, date and time of public opening, and any other pertinent details
 - iii. Provide product and/or service specifications that allow multiple responses
 - iv. Award the contract to the most responsive and responsible bidder. Factors such as discounts, transportation cost, and life cycle costs shall be considered in determining which bid is lowest.
 - v. Any or all bids may be rejected if there is a sound documented reason
- c. The following employee positions will participate in the IFB Procurement Method:
 - i. Child Nutrition Supervisor and Specialist
 - ii. Director, Assistant Director of Purchasing, and Senior Buyer
 - Write product or service specifications
 - Write the solicitation document
 - Invite potential suppliers to participate
 - Participate in the opening of the submitted bid quotes and determine a winner

- d. Eligible vendors.
 - i. All suppliers that have been identified as potential bidders
 - ii. Only district-approved and qualified suppliers
- e. Payment for IFB Purchases.
 - i. PO to be created prior to the invoice payment. This is handled through the Accounts Payable Office

Competitive Proposals (RFP – Request for Proposal)

A request for proposal is a “Formal Procurement Method” used for purchases when an IFB is not appropriate. An RFP describes in a general way what is needed and requests that vendors submit a proposal for servicing the needs of the district. RFP’s can be used for either goods or services and require the prospective vendor to submit a technical proposal that explains how they will meet the objectives of the solicitation document and a cost element that identifies the costs to accomplish their proposal. Price is to remain the major consideration but can be one of many evaluation factors used to determine the most advantageous winner. The RFP also allows for negotiation as a means to obtain the best value or price.

- a. Conroe ISD will ensure the following conditions:
 - i. A complete, adequate, and realistic specification or purchase description will be made available
 - ii. The procurement lends itself to a firm fixed price contract or cost reimbursable price
 - iii. The selection of the successful bidder will be made after an evaluation of criteria with price being the “heaviest weighted factor”
 - iv. Negotiation of price or best value will be handled with complete fairness and integrity
- b. Conroe ISD will adhere to the following requirements and required documents (2 CFR 200.316 - 328):
 - i. The solicitation will be publicly advertised
 - ii. Solicitation document will include a cover sheet with the RFP description, contact information, issue date, closing date and opening date
 - iii. Written instructions and bidder information sheet to be completed by the proposer
 - iv. Clear product and/or service specifications
 - v. Clear description of district demographics and product usage (as relevant)
 - vi. Clearly stated evaluation criteria to include scoring rubric
 - vii. Standard and/or Special Terms and Conditions of the contract
 - viii. Discounts, Rebates, and/or credits provisions where applicable
 - ix. Questionnaires as appropriate
 - x. Reference Sheet
 - xi. Provisions per Appendix II to Part 200 of 2 CFR 200:
 - Equal Employment Opportunity
 - Davis-Bacon Act
 - Contract Work Hours and Safety Standards
 - Rights to Inventions Made Under a Contract or Agreement
 - Clean Air Act and Federal Water Pollution Control Act
 - Mandatory standards in compliance with the Energy Policy and Conservation Act

- Debarment and Suspension
- Byrd Anti-Lobbying Amendment
- xii. Other Certifications and Affidavits to be included in the RFP:
 - Texas Family Code
 - Employment Verification
 - Records Retention Requirements
 - Certification of Compliance with EPA Regulations
 - Certification of Compliance with Buy American Provisions
 - Non-Collusion Affidavit
 - Certification of HUB (Historically Underutilized Business)
 - Terrorist Organizations and Boycotting of Israel
 - Food/Product Recall and HACCP Procedures
 - Health and Safety Certificates, Licensing, and Regulation
- xiii. Awarding of the contract:
 - Evaluation will consist of product quality, services, or past performance, but not limited to, along with price as the heaviest weighted factor
 - Cost plus percentage of cost will not be allowed as a basis for award (2 CFR 200.320)
- xiv. Any or all bids may be rejected if there is a sound documented reason
- c. The following employee positions will participate in the RFP Procurement Method:
 - i. Child Nutrition Supervisor and Specialist
 - ii. Director, Assistant Director of Purchasing, and Senior Buyer
 - Write product or service specifications
 - Write the solicitation document
 - Invite potential suppliers to participate
 - Participate in the opening of the submitted bid quotes and determine a winner
- d. Eligible vendors.
 - i. All suppliers that have been identified as potential bidders
 - ii. Only district-approved and qualified suppliers
- e. Payment for RFP Purchases.
 - i. PO to be created prior to the invoice payment. This is handled through the Purchasing Department

Non-Competitive Negotiation and Sole Source Procurements

These types of procurement methods are used to compensate for the lack of competition. This lack of competition may result from overly restrictive solicitation documents, an inadequate number of suppliers in the area or the procurement environment may have been compromised by inappropriate supplier actions (i.e. market allocation schemes). Non-competitive negotiation occurs after the solicitation (sealed bid, competitive negotiation or small purchase) has been issued, but competition on that solicitation has been deemed inadequate.

- a. Non-competitive negotiations or sole source procurements are restricted to specific situations and may only be used when:
 - i. Inadequate competition in a formal procurement method
 - ii. Public emergency exists

- iii. Goods or services are only available from one manufacturer through only one supplier
- b. Conroe ISD will obtain TDA's approval prior to award and purchase of products or services. All requests for approval must be submitted through the State Agency's online system, TX-UNPS.
 - i. Purchasing Director, Assistant purchasing Director and Senior Buyer, Child Nutrition Director
 - Verify Proper documentation supplied by vendor
 - File Sole Source Affidavit and approval documents with the vendor record in the financial system

Bid/Proposal Questions and Protest Procedures

An interested party may protest any of the following situations:

- Solicitation or other request for offers for a contract for the procurement of property or services
- Cancellation of a solicitation or other request
- Award or proposed award of a contract
- Termination of a contract, if the protest alleges that the termination was based on improprieties in the administration of the contract.

Conroe ISD will do the following:

1. Include clear instructions in each solicitation document about questions and protest procedures.
2. Follow all written procedures to resolve protests.
3. Ensure that all protests are resolved.
4. Retain all documentation related to a protest.
5. Notify TDA when a protest is received.

Conroe ISD will address all respondent protests within 24 hours of the bid award. Conroe ISD will provide evaluation scores and pricing at the request of the respondent. Violations of law should be referred to the local, state or Federal authority. (2 CFR, Section 200.318[k])

Conroe ISD will allow respondents to request clarification of information prior to the close of the bid/proposal. These requests must be received a minimum of 3 business days prior to the close of the bid/proposal. Conroe ISD will address the request for additional information as an addendum to all respondents.

Economic Price Adjustments in Vendor Contracts

The economic price adjustments, which allow a District to adjust costs in a contract, must be tied to an appropriate standard or cost index. Relating the price adjustments in a contract to an index allows the District to ensure that increases under the contract are not without basis. For example, if fuel prices are increasing drastically, an appropriate index such as the Consumer Price Index (CPI) will reflect this change.

This index is preferred because the USDA uses this index for the National School Lunch Program (NSLP) yearly funding increases. The intention is that if the USDA increased funding by a certain percentage the District would be able to allow the increase in food cost to rise at the same percentage. Vendors will be able to bid on multi-year contracts that allow for inflation and the District will be able to maintain a consistent level of service and food cost percentage from year to year.

Applying Geographic Preferences in Procurement

As amended, the National School Lunch Act (NSLA) allows SFA's receiving funds through the CN Programs to apply a geographic preference when procuring unprocessed, locally grown or locally raised agricultural products. This applies to operators of all the School Lunch Programs.

Conroe ISD will apply geographic preference to the procurement of agricultural products that:

1. Are unprocessed
2. Are locally grown or locally raised
3. Have not been cooked, seasoned, frozen, canned, or combined with any other products

Because the NSLP is Federally Funded, geographic preferences cannot be restrictive to local definitions such as city, county, or state lines

Discounts, Rebates and Credits

Conroe ISD requires that all discounts, rebates, and credits accrue back to the school nutrition account. The contractor will be required to identify the amount of each discount, rebate, or other applicable credit on bills and invoices presented to the Conroe ISD. Contractors will be required to identify the method by which they will report discounts, rebates, and credits. All discounts, rebates, and credits will be tracked via monthly invoices or annual velocity reports. Contractors will be required to maintain documentation of costs, discounts, rebates, and credits and make those available to Conroe ISD upon request.

Buy American Provision

Conroe ISD adheres to the Buy American Provision (7 CFR 210.21) when purchasing commercial food products to be served in the district's SNP meals. This provision will be included in all solicitations for food to be used in the school nutrition programs.

Per Section 104(d) of the William F. Goodling Child Nutrition Reauthorization Act of 1998 {Public Law 105-336} added a provision, Section 12(n) to the NSLA (42 USC 1760(n)), requiring School Food Authorities (SFA's) to purchase, to the maximum extent practicable, domestic commodity or product. Section 12(n) of the NSLA defines "domestic commodity or product" as an agricultural commodity that is produced in the United States and a food product that is processed in the United States using substantial agricultural commodities that are produced in the United States. Substantial" means that over 51 percent of the final processed product consists of agricultural commodities that were grown domestically. Products from Guam, American Samoa, Virgin Islands, Puerto Rico, and the Northern Mariana Islands are allowed under this provision as territories of the United States. The Buy American provision (7 CFR Part

210.21(d)) is one of the procurement standards SFA's must comply with when purchasing commercial food products served in the school meals programs.

Conroe ISD will purchase domestic food products per the Buy American Provision unless:

1. The product needed is not produced or manufactured in the U.S. in sufficient and reasonable available quantities of a satisfactory quality; or
2. Competitive bids reveal the costs of a U.S. product are significantly higher than the non-domestic product

Conroe ISD will maintain all documentation in regard to any food purchases that are deemed "non- domestic" to include cost comparisons if the product is available as a "domestic" product that is seen as unreasonable in cost; or if not available as a U.S. grown product the documentation will include the "country of origin."

Small and Minority Businesses, Women Business Enterprises and Labor Surplus Area Firms and/or Disabled Veteran Business Enterprise (MWDVBE)

Conroe ISD will encourage open competition amongst small, minority, woman, and disabled veteran's businesses by:

1. Reducing barriers in Formal and Informal Contract solicitations by:
 - a. Allowing for businesses that may be MWDVBE to compete on an equal footing. This will be accomplished by having a qualification process where MWDVBE bids are given points equal to the requirements that may be restrictive, such as length of service in business, size of distribution facilities, etc.
 - b. Allowing for extra points in the evaluation if a bidder/proposer qualifies as an MWDVBE
 - c. Structuring contracts to allow "awards to more than one Proposer in the best interest of the District in order to award a portion of the agreement to MWDVBE vendor that may not be able to perform to an agreement that is too large for current financial/logistical capabilities.
2. Structuring Contracts that May allow for Cost Credit to Small, Minority and Women owned businesses:
 - a. Conroe ISD may structure an RFP Formal Procurement agreement to allow for price variation of not more than 5% of total cost above the lowest responsive bidder to award to a small, minority or women owned business. For example, the lowest bidder was \$100 dollars, a certified small, minority or women owned enterprise bid \$105, the contract may be awarded to the small, minority or women owned enterprise if it is in the best interest of the District.
3. Providing Positive Outreach
 - a. Conroe ISD will place qualified small, minority and women owned enterprises on solicitation lists; and
 - b. Assure that small, minority and women owned enterprises are solicited whenever they are potential sources

Local Sourced Products: Farm to School Initiative

Conroe ISD is committed to local markets and family farmers in the State of Texas. Our objective is to support the local agricultural economy and reduce the environmental impact of long-distance shipping. Conroe ISD defines “Local Sources Products” as products that are grown within the State of Texas.

When purchasing local sourced products, Conroe ISD will follow the planning phase as stated earlier in this manual and do a cost/price analysis to determine the most appropriate procurement method.

In order to encourage the bidders to purchase locally sourced produce, Conroe ISD may assign additional point values in the “Award of Contract” section of the solicitation that can demonstrate:

1. The bidder is purchasing produce locally by submitting a list of local farmers, their addresses, the produce that is anticipated to purchase from each farm location, and the anticipated harvest dates of the produce
2. The bidder must also agree to the ability to submit a report during the term of the contract that demonstrates continued purchases from local farms

Use of Excess and Surplus Property

Conroe ISD, to the best of the district’s ability, may utilize excess and surplus property when available. The TDA allows a district to use a significant portion of our entitlement (PAL) allocation from USDA to purchase DOD fresh fruit and vegetable products. The TDA manages the solicitation and award of the DOD Produce Vendors. Contracting Entities (CE’s) in the state of Texas and participating in the DOD Fresh Program can receive weekly deliveries as outlined in the awarded contract.

Cooperative Membership and Procurement

The USDA allows for “Purchasing Goods and Services Using Cooperative Agreements, Agents, and Third-Party Services.

Conroe ISD may participate in a purchasing cooperative when it is determined to be in the best interest of the district. As a governmental agency, Conroe ISD has the option to legally join a “governmental agency or Education Service Center (ESC) agency” purchasing cooperative through an Interlocal or Interagency Agreement. Conroe ISD will submit a written request to the awarded vendor of the bid/RFP to piggyback on a specific agency/co-op’s bid. If approved by awarded vendor, Conroe ISD will obtain all final bids/requests for proposal documentation from the cooperative or lead district. When utilizing a "piggyback" contract, Conroe ISD will ensure the following:

1. The procurement was conducted in accordance with applicable Federal, State and local regulations.
2. The contract contains a clause that permits other agencies to "piggyback."
3. The addition of Conroe ISD to the contract does not create a material change as outlined in the contract per 2 CFE 200.318[e] that states a material change occurs when the

change in scope of the contract is significant enough that potential bidders might have bid differently had they been aware of the impacts from adding additional agencies.

4. All documentation related to the contract will be obtained and retained, information includes:
 - a. Solicitation
 - b. Verification of Published Advertisement
 - c. Contract Terms and Conditions
 - d. Evaluation Criteria, if any
 - e. Responses
 - f. Notification of Awarded vendor(s)
 - g. Documentation of any extensions or Amendments

Unnecessary or Duplication of Goods/Services

Conroe ISD will avoid acquisition of unnecessary or duplicative items/services. Purchases will be justified using the following criteria:

1. Purchaser will determine if there are like items in the District that may not be in use and consider transferring item before determining if purchase is necessary
2. The item is being considered for menus or is needed to serve, prepare, receive, transport or store an item on the menu
3. The item is replacing an obsolete, broken, damaged or outdated piece of equipment

Recalls

Conroe ISD will use the following procedures in regard to products that have been recalled, or are discovered to be defective or faulty:

1. The Food Service Director/Manager/Program Coordinator will register for email notifications of recalled products through USDA Food Safety and Inspection Service (usfsis@public.govdelivery.com) and/or recalls.gov or any other viable resource in regard to food and product safety and recalls
2. Vendors' Recall procedures will be requested with every Small Purchase, IFB and RFP procurement method used
3. Any notices or alerts from awarded vendors or distributors in regard to a recalled product will be handled immediately, following all instructions from the vendor or distributor in regard to the handling of the recalled product
4. Actions may include but not be limited to:
 - a. Disposal of all affected product
 - b. Photos of products affected, documentation of case lot numbers, distributor codes or any other pertinent information as documentation of product origin
 - c. Removal of affected product to a safe area to be picked up by the vendor or distributor
 - d. Credits issued for all affected product that could not be used