

## **EXPENDITURES FOR SUPPLIES, SERVICES AND EQUIPMENT**

### **A. General Statement**

The Monterey County Board of Education recognizes that it has a business as well as an educational function; and in both fields the Board is the policy maker. Efficient and economical business procedures shall be established in accordance with sound principles of business administration, to the extent that they are compatible with a sound educational program.

The Board recognizes that the prime function of the schools is to educate children; therefore, sound educational policy requires a judicious application of the ordinary rules of business administration so that this function may be facilitated.

The purchasing policy of the Monterey County Superintendent of Schools shall be based upon the objective of securing the County Office of Education and contractual school districts their requirements of services, materials, supplies and equipment at the lowest possible cost consistent with satisfactory standards of quality and service.

Ownership of any equipment purchased shall be in the name of the Office of the Monterey County Superintendent of Schools.

### **B. Legal Framework**

Under provisions of the Education Code and Title V Administrative Code of the State of California, the County Superintendent is authorized to purchase standard school supplies and specific other supplies and the methods by which such purchases are to be made are stipulated. The County Superintendent by law has the option of either purchasing through the County Purchasing Agent or direct from suppliers.

Purchase of services, materials, supplies and equipment shall be carried out (1) within the scope of federal and state laws, (2) as approved by legal counsel, and (3) in accordance with the policies of the Board of Education. In addition to existing laws, the legalities of contract awards are also guided by court decisions, Attorney General Opinions, and County Counsel.

### **C. Delegation of Purchasing Function**

The function of purchasing standard school supplies and equipment of the County Office of Education and contractual school districts lies with the County Superintendent of Schools. The Associate Superintendent, Business Services, shall be responsible, with the approval of the County Superintendent, for initiating uniform procedures for all purchasing affairs, in accordance with County Board of Education policies.

The County Superintendent of Schools is authorized to contract for services, materials, apparatus and equipment to be furnished, sold or leased to the County Office of Education and contractual school districts when competitive bidding is not required, provided however, that no contract made pursuant to this authority shall be valid or constitute an enforceable obligation against the County Board of Education or the County Superintendent of Schools unless and until the same shall have been approved or ratified by the County Board of Education.

The County Superintendent, Associate Superintendent, Business Services, and Director of Fiscal Services are authorized to sign, and one of the four is required to sign, all purchase orders. All purchases shall be reported to the County Board of Education by appropriate voucher or itemized list.

After the adoption of the final budget, such adoption shall constitute the County Superintendent's authorization to proceed, within the availability of funds, with the procurement of items specifically enumerated therein.

All purchases of services, materials, supplies or equipment must be authorized by a properly approved, signed and numbered purchase order. The County Board of Education will not approve or ratify any order placed by an employee of the County Superintendent unless authorized by such an order.

No employee shall give verbal orders for supplies, materials, equipment or services or imply that order will be approved, except in emergency cases with prior approval of the County Superintendent, Associate Superintendent, Business Services, or Director of Fiscal Services.

### **D. Code of Ethics**

In conducting the business of the County Superintendent of Schools, all persons connected with purchasing shall adhere to the following code:

1. To obtain the maximum, ultimate value of each dollar of expenditure in light of the educational policies and objective of the County Superintendent of Schools.
2. To place all orders on the basis of price, quality and service.
3. To demand honesty in sales representation whether offered through the medium of verbal or written statements, an advertisement, or a sample of a product.
4. To grant all competitive bidders equal consideration; to regard each transaction on its own merits; to foster and promote fair, ethical and legal trade practices.
5. To cooperate with trade and industrial associations, governmental and private agencies engaged in the promotion and development of sound business methods.
6. To decline all personal gifts or gratuities from vendors which might in any way influence the purchase of materials or services.
7. To accord a prompt and courteous reception to all who call on legitimate business.

STATE AND FEDERAL EDUCATIONAL AGENCIES FOR SURPLUS AND OTHER  
PROPERTY (Education Code 39643; 39654)

Employees of the County Superintendent when authorized by that officer may purchase surplus property for the use of the Monterey County Office of Education from the Federal Government as authorized by Section 93654 and may purchase materials, equipment and supplies through the State Department of General Services as authorized by Section 39643, provided such purchases do not conflict with other provisions of this regulation.

BIDS AND QUOTATIONS (Education Code 39640, 39648, 39651, 39873, 60404, PCC 30111, 20112, 20116, 20651. California Administrative Code 17291 and 17301).

1. As provided by Education Code Section 39651, purchase of supplementary textbooks, library books, educational films, audio visual materials, test materials, or workbooks may be made without taking estimates for advertising for bids.

2. For purchases of capital outlay items (excluding automotive equipment) of \$2,500 or less, automotive equipment of \$3,500 or less, services (except public projects), materials or supplies of \$50,000 or as changed by annual CPI adjustment, quotations (not necessarily in writing) shall be secured as deemed necessary by the County Superintendent to make certain that the lowest possible prices are obtained.
3. In accordance with provisions of California Administrative Code Title V, Sections 17291, 17301, capital outlay purchases (excluding automotive equipment) of more than \$2,500 and automotive equipment purchases of more than \$3,500 shall be made through the County Purchasing Agent or directly from vendors only after securing written quotations from at least three responsible vendors. Such purchases shall be supported by information in quote file consisting of original copies of such quotations.
4. In accordance with and pursuant to the provisions of Public Contract Code 20111, requirements for work to be done on public projects with an estimated value of \$15,000 or more and requirements for other services, materials, equipment, or supplies with an estimated value of \$50,000 or as changed by annual CPI adjustment, shall be advertised in a Notice to Bidders in a newspaper of general circulation within the County, and written bids shall be secured for furnishing said work to be done, materials, equipment or supplies.
5. Exception to the procedures described above shall be made in the case of emergency work when repairs, alterations or improvements are necessary to permit the continuance of existing school classes or to avoid danger to life or property.
6. The award for formal bids will be made to the lowest responsible bidder whose bid is in accordance with the conditions and specifications thereof. The right will be reserved to reject any and all quotations and bids or to waive any irregularity or informality in bids and to accept or reject any item therein. In the case of identical bids for materials, supplies, equipment or services, preference will be given to firms having places of business in the county. In all cases other bids concerning real property or public works whose title is vested in the County Board of Education, the County Superintendent of Schools shall be the sole judge of quality and services. No employee shall split the cost of any propose purchase of

- equipment, materials or services in such a way as to circumvent the bid process required by law.
7. Every purchase of public project services of \$15,000 or more and of other services, materials, equipment or supplies of \$50,000 or more shall be supported by information in a bid file consisting of original copies of actual bids. A vendor list shall also be included in the file showing all vendors to whom requests for quotations have been mailed. Prior to formal awarding of the bid(s) for the purchase of public project services of \$15,000 or more and other services, materials, equipment or supplies of \$50,000 or as changed by annual CPI adjustment, the bid(s) shall be presented to the County Board as an informational item.
  8. Textbooks will be purchased in accordance with provisions of the Education Code, Sections 60400 to 60404. Such purchases from formal bid and quotation requirements.
  9. In accordance with and pursuant to the provisions of Education Code Section 39873, perishable foodstuffs and seasonal commodities needed in the operation of cafeterias may be excepted from formal bid and quotation requirements.
  10. Payment of all legitimate charges against the County Superintendent of Schools shall be made as soon as possible after receipt of goods or services, or in accordance with any applicable contract.
  11. Consistent with good business practices, all possible trade and cash discounts will be taken when payments are made.

Adopted: 5/2/90

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