

BALTIMORE COUNTY PUBLIC SCHOOLS

DATE: July 10, 2007

TO: **BOARD OF EDUCATION**

FROM: Dr. Joe A. Hairston, Superintendent

SUBJECT: **REPORT ON PROPOSED CHANGES TO POLICY 3210 – NON-
INSTRUCTIONAL SERVICES: PURCHASING SERVICES-
PURCHASING GUIDES**

ORIGINATOR: J. Robert Haines, Esq., Deputy Superintendent

**RESOURCE
PERSON(S):** Barbara Burnopp, Chief Financial Officer

RECOMMENDATION

That the Board of Education approve revisions to Policy 3210 – NON-
INSTRUCTIONAL SERVICES: Purchasing Services – Purchasing Guides. This is the
first reading of this policy.

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- Attachment I – Policy Analysis 3210
- Attachment II – Policy 3210

BOARD OF EDUCATION OF BALTIMORE COUNTY
Policy Analysis for Proposed Revision to Policy 3210:
Purchasing Services – Purchasing Guidelines

Statement of Issues Addressed by the Proposed Policy Revision

This policy addresses guidelines for procedures, bids, award of contracts, informal bids and relations with vendors. It was last updated in 1999.

The revisions clarify the policy to bring it in line with the applicable law pertaining to bids and selection of textbooks and materials of instruction. The revision also adds reference to the proposed new policy 3231 – Vendor Performance Evaluation.

Cost Analysis

There is no new fiscal impact on the system as a result of the proposed revisions.

Legal Requirement

Annotated Code of Maryland, Education Article § 5-112 – Bids.

Annotated Code of Maryland, Education Article § 7-106 – Textbooks, materials of instruction and supplies.

MSDE *Financial Reporting Manual for Maryland Public Schools* – referenced in §5-112.
Interagency Committee on School Construction Administrative Procedures Guide.

Similar Policies Adopted by Other School Systems

All Maryland Local Education Agencies surveyed have policies and/or procedures that address formal bidding requirements, and establish the Office of Purchasing as responsible for administering procurement activities.

Draft of Proposed Policy (see attached)

Other Alternatives Considered by Staff

Applicable laws and regulations were reviewed, in addition to reviewing processes and procedures in other LEA's.

NON-INSTRUCTIONAL SERVICES: Purchasing Services

Purchasing Guides

1. Procedures

The Office of Purchasing, serving as the designated agent of the Board of Education of Baltimore County (BOARD), shall administer all procurement activities in accordance with all regulations and statutes as provided by the Annotated Code of Maryland, Education Article, [and] the policies [and rules] of the Board [of Education of Baltimore County], AND THE SUPERINTENDENT'S RULES.

The Office of Purchasing shall provide for the PROCUREMENT OF GOODS AND SERVICES [expenditure of funds (capital, operating, special revenue, grants, etc.)] through BIDS AND CONTRACTS, a [centralized procurement (requisition/purchase order)] process, use of a [BCPS'] procurement card, [and] the issuance of [BCPS'] published catalogs of operational and instructional supplies, equipment, media, and textbooks, and through the electronic transmission of requisitions and purchase orders.

2. Formal Bids

Formal advertised bids shall be obtained for all construction, and renovation projects, for the purchase of equipment, AND supplies, [and services,] excluding BOOKS AND OTHER MATERIALS OF INSTRUCTION AND emergencies, in accordance with §5-112 and §7-106, Annotated Code of Maryland, Education ARTICLE.

The Board [of Education] shall reserve the right to waive any informalities in all bids; and to reject any or all bids, and to re-advertise for new proposals, and to utilize contracts awarded or negotiated by other government agencies.

3. Award of Contracts

The Board [of Education] shall accept contract recommendations for consideration at its regularly scheduled meeting. The Board [of Education] reserves the right to approve, defer, or deny an award of contract. Staff shall take all necessary action to observe and enact the decision of the Board.

In approving contract recommendations [for construction projects,] the Board [of Education] may authorize the addition of a percentage of the overall project or award value as a contingency fee or change order allocation. Expenditure of said funds shall be closely monitored by staff. [Appropriate documentation of said expenditures shall be submitted to the Board or its designee prior to utilization of the funds.]

The superintendent shall establish and publish [formal] procedures for bidders and/or vendors to appeal contract related decisions.

4. Informal Bids and Price Solicitations

The Office of Purchasing shall have the option to issue [informal] bids, REQUESTS FOR PROPOSALS, or solicit price quotations for ANY requirements [, excluding emergencies, having a dollar value less than the statutory bidding requirement] THAT DO NOT REQUIRE FORMAL BIDS. This action shall be based upon the BEST INTEREST OF THE SCHOOL SYSTEM, value of the purchase, its function, the length of the contract, [and] the need to ensure the vendor's performance, TO MAINTAIN RELIABLE SOURCES OF SUPPLY, AND TO ENCOURAGE A COMPETITIVE BUYING ATMOSPHERE.

5. Relations with Vendors

The OFFICE OF Purchasing [Office] shall encourage fair and equal treatment of all prospective vendors and bidders and shall be consistent with the practices of the Board [of Education of Baltimore County]. Understanding, confidence, respect, and fairness are the foundation for the policy of the Board [of Education] in its relationship with vendors.

Legal Reference: Annotated Code of Maryland, Education Article §5-112 Bids
§7-106 Textbooks, materials of instruction and supplies

[Reference:]

[See "Relationships with private Business, "Series 1000, Community Relations]

RELATED POLICIES: BOARD OF EDUCATION POLICY SERIES 7000,
NEW CONSTRUCTION

BOARD OF EDUCATION POLICY SERIES 6160 –
INSTRUCTION – INSTRUCTIONAL SERVICES,
SELECTION OF INSTRUCTIONAL MATERIALS

BOARD OF EDUCATION POLICY 3270 – PURCHASING
SERVICES, VENDOR PERFORMANCE EVALUATION

Policy

Adopted: 9/18/68

Revised: 7/12/84

Revised: 8/10/93

Revised: 7/13/99

REVISED:

Board of Education of Baltimore County

ALL CAPS indicate new material.

Brackets [] indicate deleted material.