



Book Policy Manual  
Section Revised Volume 22 No. 2  
Title PREFERENCE FOR VETERANS IN EMPLOYMENT  
Code po1120.11 RJP 4/8/22  
Status  
Adopted June 13, 2017

**1120.11 - PREFERENCE FOR VETERANS IN EMPLOYMENT**

Preference in employment, reemployment, promotion, and retention shall be given to an eligible veteran, pursuant to the provisions below, as long as the veteran meets the minimum eligibility requirements and has the knowledge, skills, and abilities required for the particular position.

Appointment or Retention in Positions of Employment

Preference shall be given **pursuant** to the following:

A. Those disabled veterans:

1. who have served on active duty in any branch of the United States Armed Forces, have received an honorable discharge, and have established the present existence of a service-connected disability that is compensable under public laws administered by the U.S. Department of Veterans' Affairs; or
2. who are receiving compensation, disability retirement benefits, or pension by reason of public laws administered by the U.S. Department of Veterans' Affairs and the Department of Defense.

B. The spouse of a person who has a total disability, permanent in nature, resulting from a service-connected disability and who, because of this disability, cannot qualify for employment, and the spouse of a person missing in action, captured in line of duty by a hostile force, or forcibly detained or interned in line of duty by a foreign government or power.

C. A wartime veteran as defined in F.S. 1.01(14) who has served at least one (1) day during a wartime period. Active duty for training may not be allowed for eligibility under this paragraph.

D. The unremarried widow or widower of a veteran who died of a service-connected disability.

E. The mother, father, legal guardian, or unremarried widow or widower of a member of the United States Armed Forces who died in the line of duty under combat-related conditions, as verified by the United States Department of Defense.

F. A veteran as defined in F.S. 1.01(14). Active duty for training may not be allowed for eligibility under this paragraph.

G. A current member of any reserve component of the United States Armed Forces or the Florida National Guard-

H. **The School Board may waive a postsecondary educational requirement for a position of employment, other than those positions made exempt under F.S. 295.07 for a current member of a reserve component of the U.S. Armed Forces or the Florida National Guard or a veteran who has been honorably discharged if the person is otherwise qualified for the position.**

**Veterans p**Preference in employment and retention may be given only to eligible persons who are described above.

In all positions in which the appointment or employment of persons is not subject to a written examination, first preference in appointment, employment, and retention processes shall be given to persons included under A and B above, and second preference shall be given to persons included under C and D above, who possess the minimum qualifications necessary to discharge the duties of the position involved.

A **disabled** veteran employed as **a**the result of being placed at the top of the appropriate employment list **shall be appointed for a probationary period of one (1) year. At the end of such period, if the work of the veteran has been satisfactorily performed, the veteran** will be subject to the employment policies of the District.

#### Reinstatement or Reemployment

When a District administrator has served in the Armed Forces of the United States and is discharged or separated therefrom with an honorable discharge, the District shall reemploy or reinstate such person to the same position that s/he held prior to such service in the Armed Forces, or to an equivalent position, provided such person returns to the position within one (1) year of his/her date of separation or, in the case of extended active duty, within one (1) year of the date of discharge or separation subsequent to the extension. Such person shall also be awarded preference in promotion and shall be promoted ahead of all others who are as well qualified or less qualified for the position.

Further, the District shall reemploy or reinstate the person who was a veteran when employed by the District and who was recalled to extended active duty in the Armed Forces of the United States and was discharged or separated therefrom with an honorable discharge to the same position that s/he held prior to service in the Armed Forces, or to an equivalent position, provided the person returns to the position within one (1) year of his/her date of separation or, in the case of extended active duty, within one (1) year of the date of discharge or separation subsequent to the extension. The person shall also be awarded preference in promotion and shall be promoted ahead of all others who are as well qualified or less qualified for the position. For the purposes of this section, "extended active duty" means active duty, other than for training, beyond the date of honorable discharge or separation, due to military requirements.

The provisions in the preceding two (2) paragraphs pertaining to persons who are reemployed or reinstated shall apply only to a veteran's first promotion after reinstatement or reemployment, without exception.

#### Recruitment Plan

The Board will develop and implement a written veterans recruitment plan that establishes annual goals for the full use of veterans in the Board's workforce. The plan will be designed to meet the established goals. The veterans recruitment plan applies to the preference-eligible persons who are described above.

#### **F.S. 110.2135**

F.S. 295.07  
F.S. 295.08  
F.S. 295.085  
F.S. 295.09

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Book	Policy Manual
Section	Revised Volume 22 No. 2
Title	DRESS AND GROOMING
Code	po1216 RJP 4/8/22
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Adopted	June 13, 2017

#### 1216 - DRESS AND GROOMING

The School Board believes that administrative staff members set an example in dress and grooming for their staff and students to follow. ~~Administrators who understand this precept and adhere to it enlarge the importance of this task, present an image of dignity, and encourage respect for authority. These factors act in a positive manner toward the maintenance of discipline.~~

The Superintendent authorizes the development of standards for administrator ~~retains the authority to specify the following~~ dress and grooming that promote a professional educational atmosphere that gives consideration to the impact on the educational process and the diversity of the District's administrators. ~~procedures for staff that will prevent such matters from having an adverse impact on the educational process. When assigned to District duty, all administrative staff members shall:~~

#### When assigned to District duty, all administrators shall:

- A. be physically clean, neat, and well groomed;
- B. dress in a manner consistent with their administrative responsibilities;
- C. dress in a manner that communicates pride in personal appearance;
- D. dress in a manner that does not cause damage to District property;
- E. be groomed in such a way that their hair style or dress does not disrupt the educational process or cause a health or safety hazard

The Board recognizes professional administrators' right to dress in accordance with their gender identity, within the constraints of the preceding dress and grooming guidelines.

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Book	Policy Manual
Section	Revised Volume 22 No. 2
Title	PREFERENCE FOR VETERANS IN EMPLOYMENT
Code	po3120.11 RJP 4/8/22
Status	
Adopted	June 13, 2017

### 3120.11 - PREFERENCE FOR VETERANS IN EMPLOYMENT

Preference in employment, reemployment, promotion, and retention shall be given to an eligible veteran, pursuant to the provisions below, as long as the veteran meets the minimum eligibility requirements and has the knowledge, skills, and abilities required for the particular position.

#### Appointment or Retention in Positions of Employment

Preference shall be given **pursuant** to the following:

A. Those disabled veterans:

1. who have served on active duty in any branch of the United States Armed Forces, have received an honorable discharge, and have established the present existence of a service-connected disability that is compensable under public laws administered by the U.S. Department of Veterans' Affairs; or
2. who are receiving compensation, disability retirement benefits, or pension by reason of public laws administered by the U.S. Department of Veterans' Affairs and the Department of Defense.

B. The spouse of a person who has a total disability, permanent in nature, resulting from a service-connected disability and who, because of this disability, cannot qualify for employment, and the spouse of a person missing in action, captured in line of duty by a hostile force, or forcibly detained or interned in line of duty by a foreign government or power.

C. A wartime veteran as defined in F.S. 1.01(14) who has served at least one (1) day during a wartime period. Active duty for training may not be allowed for eligibility under this paragraph.

D. The unremarried widow or widower of a veteran who died of a service-connected disability.

E. The mother, father, legal guardian, or unremarried widow or widower of a member of the United States Armed Forces who died in the line of duty under combat-related conditions, as verified by the United States Department of Defense.

F. A veteran as defined in F.S. 1.01(14). Active duty for training may not be allowed for eligibility under this paragraph.

G. A current member of any reserve component of the United States Armed Forces or the Florida National Guard.

**The School Board may waive a postsecondary educational requirement for a position of employment, other than those positions made exempt under F.S. 295.07 for a current member of a reserve component of the U.S. Armed Forces or the Florida National Guard or a veteran who has been honorably discharged if the person is otherwise qualified for the position.**

**Veterans p**Preference in employment and retention may be given only to eligible persons who are described above.

In all positions in which the appointment or employment of persons is not subject to a written examination, first preference in appointment, employment, and retention processes shall be given to persons included under A and B above, and second preference

shall be given to persons included under C and D above, who possess the minimum qualifications necessary to discharge the duties of the position involved.

A **disabled** veteran employed as **a** the result of being placed at the top of the appropriate employment list ~~shall be appointed for a probationary period for one (1) year. At the end of such period, if the work of the veteran has been satisfactorily performed, the veteran~~ will be subject to the employment policies of the District.

#### Reinstatement or Reemployment

When a District employee has served in the Armed Forces of the United States and is discharged or separated therefrom with an honorable discharge, the District shall reemploy or reinstate such person to the same position that s/he held prior to such service in the Armed Forces, or to an equivalent position, provided such person returns to the position within one (1) year of his/her date of separation or, in the case of extended active duty, within one (1) year of the date of discharge or separation subsequent to the extension. Such person shall also be awarded preference in promotion and shall be promoted ahead of all others who are as well qualified or less qualified for the position.

Further, the District shall reemploy or reinstate the person who was a veteran when employed by the District and who was recalled to extended active duty in the Armed Forces of the United States and was discharged or separated therefrom with an honorable discharge to the same position that s/he held prior to service in the Armed Forces, or to an equivalent position, provided the person returns to the position within one (1) year of his/her date of separation or, in the case of extended active duty, within one (1) year of the date of discharge or separation subsequent to the extension. The person shall also be awarded preference in promotion and shall be promoted ahead of all others who are as well qualified or less qualified for the position. For the purposes of this section, "extended active duty" means active duty, other than for training, beyond the date of honorable discharge or separation, due to military requirements.

The provisions in the preceding two (2) paragraphs pertaining to persons who are reemployed or reinstated shall apply only to a veteran's first promotion after reinstatement or reemployment, without exception.

Instructional staff members in bargaining units should refer to the collective bargaining agreement for additional provisions in this regard.

#### **Recruitment Plan**

**The Board will develop and implement a written veterans recruitment plan that establishes annual goals for the full use of veterans in the Board's workforce. The plan will be designed to meet the established goals. The veterans recruitment plan applies to the preference-eligible persons who are described above.**

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Last Modified by Ray Pinder on April 8, 2022

Book	Policy Manual
Section	Revised Volume 22 No. 2
Title	PREFERENCE FOR VETERANS IN EMPLOYMENT
Code	po4120.11 RJP 4/8/22
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Adopted	June 13, 2017

#### 4120.11 - PREFERENCE FOR VETERANS IN EMPLOYMENT

Preference in employment, reemployment, promotion, and retention shall be given to an eligible veteran, pursuant to the provisions below, as long as the veteran meets the minimum eligibility requirements and has the knowledge, skills, and abilities required for the particular position.

##### Appointment or Retention in Positions of Employment

Preference shall be given **pursuant** to the following:

A. Those disabled veterans:

1. who have served on active duty in any branch of the United States Armed Forces, have received an honorable discharge, and have established the present existence of a service-connected disability that is compensable under public laws administered by the U.S. Department of Veterans' Affairs; or
2. who are receiving compensation, disability retirement benefits, or pension by reason of public laws administered by the U.S. Department of Veterans' Affairs and the Department of Defense.

B. The spouse of a person who has a total disability, permanent in nature, resulting from a service-connected disability and who, because of this disability, cannot qualify for employment, and the spouse of a person missing in action, captured in line of duty by a hostile force, or forcibly detained or interned in line of duty by a foreign government or power.

C. A wartime veteran as defined in F.S. 1.01(14) who has served at least one (1) day during a wartime period to be eligible for veterans' preference. Active duty for training may not be allowed for eligibility under this paragraph.

D. The unremarried widow or widower of a veteran who died of a service-connected disability.

E. The mother, father, legal guardian, or unremarried widow or widower of a member of the United States Armed Forces who died in the line of duty under combat-related conditions, as verified by the United States Department of Defense.

F. A veteran as defined in F.S. 1.01(14). Active duty for training may not be allowed for eligibility under this paragraph.

G. A current member of any reserve component of the United States Armed Forces or the Florida National Guard.

**The School Board may waive a postsecondary educational requirement for a position of employment, other than those positions made exempt under F.S. 295.07 for a current member of a reserve component of the U.S. Armed Forces or the Florida National Guard or a veteran who has been honorably discharged if the person is otherwise qualified for the position.**

**Veterans p**Preference in employment and retention may be given only to eligible persons who are described above.

In all positions in which the appointment or employment of persons is not subject to a written examination, first preference in appointment, employment, and retention processes shall be given to persons included under A and B above, and second preference

shall be given to persons included under C and D above, who possess the minimum qualifications necessary to discharge the duties of the position involved.

A **disabled** veteran employed as **athe** result of being placed at the top of the appropriate employment list **shall be appointed for a probationary period of one (1) year. At the end of such period, if the work of the veteran has been satisfactorily performed, the veteran** will achieve annual contract status.

#### Reinstatement or Reemployment

When a District employee has served in the Armed Forces of the United States and is discharged or separated therefrom with an honorable discharge, the District shall reemploy or reinstate such person to the same position that s/he held prior to such service in the Armed Forces, or to an equivalent position, provided such person returns to the position within one (1) year of his/her date of separation or, in the case of extended active duty, within one (1) year of the date of discharge or separation subsequent to the extension. Such person shall also be awarded preference in promotion and shall be promoted ahead of all others who are as well qualified or less qualified for the position.

Further, the District shall reemploy or reinstate the person who was a veteran when employed by the District and who was recalled to extended active duty in the Armed Forces of the United States and was discharged or separated therefrom with an honorable discharge to the same position that s/he held prior to service in the Armed Forces, or to an equivalent position, provided the person returns to the position within one (1) year of his/her date of separation or, in the case of extended active duty, within one (1) year of the date of discharge or separation subsequent to the extension. The person shall also be awarded preference in promotion and shall be promoted ahead of all others who are as well qualified or less qualified for the position. For the purposes of this section, "extended active duty" means active duty, other than for training, beyond the date of honorable discharge or separation, due to military requirements.

The provisions in the preceding two (2) paragraphs pertaining to persons who are reemployed or reinstated shall apply only to a veteran's first promotion after reinstatement or reemployment, without exception.

Educational support staff members in bargaining units should refer to the collective bargaining agreement for additional provisions in this regard.

#### **Recruitment Plan**

**The Board will develop and implement a written veterans recruitment plan that establishes annual goals for the full use of veterans in the Board's workforce. The plan will be designed to meet the established goals. The veterans recruitment plan applies to the preference-eligible persons who are described above.**

**F.S. 295.07**  
**F.S. 295.08**  
**F.S. 295.085**  
**F.S. 295.09**

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Last Modified by Ray Pinder on April 8, 2022



Book	Policy Manual
Section	Revised Volume 22 No. 2
Title	GRANT FUNDS
Code	po6110 JMM04212022
Status	
Adopted	June 13, 2017
Last Revised	February 27, 2018

#### 6110 - **GRANT FUNDS**

It is the objective of the School Board to provide equal educational opportunities for all students within the District. Government agencies, as well as foundations, businesses, and individuals, periodically offer to the School District both human and material resources that would be of benefit to the students in this school system.

The Board regards available grant funds provided to the District as a public trust. It forbids the use of public monies for partisan political activities and any use that would not be in accordance with Federal regulations and guidelines.

No Federal funds received by the District shall be used to:

- A. develop or distribute materials or operate programs or courses of instruction directed at youths that are designed to promote or encourage sexual activity whether homosexual or heterosexual;
- B. distribute or aid in the distribution by any organization of legally obscene materials to minors on school grounds;
- C. provide sex education or HIV-prevention education in schools unless that instruction is age appropriate and includes the health benefits of abstinence; or
- D. operate a program of contraceptive distribution in schools.

The Superintendent shall review grant opportunities and authorize development of proposals.

#### Grant Proposal Development

- A. All grant proposals must support at least one (1) Board goal or priority.
- B. For projects where grant funds will not cover the entire cost of project implementation, additional fund sources must be identified, documented, and approved during the internal review process.

#### Grant Proposal Internal Review

- A. Each grant proposal shall be reviewed and approved by the Superintendent prior to submission to the funding source.
- B. The Superintendent may identify a project director prior to proposal submission.

#### Grant Administration

- A. The administration of grants will adhere to all applicable Federal, State, and grantor rules and regulations, including the terms and conditions of the Federal awards, as well as School District policies and procedures.

B. The Superintendent and/or Board Chairman are authorized to sign related documents for grant administration, including documents required for submittal of grant proposals.

C. Employee positions established through the use of grant funding shall terminate if and when the related grant funding ceases.

D. **The District, in recognition of its unique combination of staff, facilities, and experience, shall employ internal controls, including the organizational and management strategies necessary to assure proper and efficient administration of grant awards.**

E. All Federal funds received by the District will be used in accordance with the applicable Federal law and regulations and the terms and conditions of the Federal award. Each draw of Federal monies shall be aligned with the District's payment process (whether reimbursement, cash advance, or a combination). If funds are permitted to be drawn in advance, all draws will be equal in magnitude as closely as administratively feasible, to the magnitude of the related program expenditures. When restricted, such monies will be used to supplement programs and funding and not to supplant or replace existing programming or current funding.

**Maintenance of Effort (MOE) and Maintenance of Equity (MOEquity) requirements of the Federal program will be met in accordance with the requirements of the specific funded program. The District shall maintain appropriate documentation and records to substantiate compliance or to justify allowable exceptions, exemptions, or waivers.**

#### Financial Management

The financial management of grant funds shall be in compliance with all applicable Federal, State, local and grantor rules, regulations, and assurances as well as District policies and administrative procedures.

The District shall provide for the following:

- A. Identification, in District accounts, of all grant awards received and expended and the programs under which they were received. For Federal programs and awards, identification shall include the Catalog of Federal Domestic Assistance (CFDA) title and number, Federal award identification number and year, name of the Federal agency and name of the pass-through entity, as applicable.
- B. Accurate, current, and complete disclosure of the financial results of each Federal award or program in accordance with the reporting requirements of the grant.
- C. Records that identify adequately the source and application of funds provided for Federally-funded activities. These records must contain information pertaining to Federal awards, authorizations, obligations, unobligated balances, assets, expenditures, and be supported by source documentation.
- D. Effective control over, and accountability for, all funds, property, and other assets. The District must adequately safeguard all assets and assure that they are used solely for authorized purposes.

Further, the District must:

- 1. establish and maintain effective internal control over the Federal award that provides reasonable assurance that the District is managing the Federal award in compliance with Federal statutes, regulations, and the terms and conditions of the Federal award;
  - 2. comply with Federal statutes, regulations, and the terms and conditions of the Federal award;
  - 3. evaluate and monitor the District's compliance with statutes, regulations, and the terms and conditions of the Federal award;
  - 4. take prompt action when instances of noncompliance are identified including noncompliance identified in audit findings;
  - 5. take reasonable measures to safeguard protected personally identifiable information and other information the Federal awarding agency or pass-through entity designates as sensitive consistent with applicable Federal, State, local, and tribal laws regarding privacy and obligations of confidentiality.
- E. Comparison of expenditures with budget amounts for each Federal award.
- F. Recordkeeping and written procedures to the extent required as may be required by Federal, State, local and grantor rules, and regulations pertaining to the grant award and accountability, including, but not limited to, the following areas:

1. cash management
2. allowability
3. conflict of interest
4. procurement
5. equipment management
6. conducting technical evaluations of proposals and selecting recipients
7. compensation and fringe benefits
8. travel

G. Disclosure of any potential conflict of interest and all mandatory violation disclosures potentially affecting the Federal award/grant to the Federal awarding agency or pass-through agency in accordance with applicable Federal policy.

H. Insurance coverage for real property and equipment, if applicable, equivalent to such property owned by the District.

Unless it has received prior approval to use a different method or the terms and conditions of the grant authorize a different method, the District uses the addition method of accounting for program income. Under the addition method, program income is added to total allowable costs to determine the net allowable costs. Program income will only be used for current costs unless the District is otherwise directed by the Federal awarding agency or pass-through entity.

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Legal	34 C.F.R. 75.707
	34 C.F.R. 76.563
	34 C.F.R. 76.565
	34 C.F.R. 76.707
	2 C.F.R. 200.56
	2 C.F.R. 200.71
	2 C.F.R. 200.77
	2 C.F.R. 200.80
	2 C.F.R. 200.112
	2 C.F.R. 200.302
	2 C.F.R. 200.307
	2 C.F.R. 200.309
	2 C.F.R. 200.310
	2 C.F.R. 200.313
	2 C.F.R. 200.318
	2 C.F.R. 200.319
	2 C.F.R. 200.320
	2 C.F.R. 200.343(b)&(e)
	Compliance Supplement for Single Audits of State and Local Governments F.S. 1001.42
	F.S. 1001.51



Book	Policy Manual
Section	Revised Volume 22 No. 2
Title	COST PRINCIPLES - SPENDING FEDERAL FUNDS
Code	po6114 JMM04212022
Status	
Adopted	June 13, 2017
Last Revised	July 20, 2021

#### 6114 - **COST PRINCIPLES - SPENDING FEDERAL FUNDS**

The Superintendent is responsible for the efficient and effective administration of grant funds through the application of sound management practices. Such funds shall be administered in a manner consistent with all applicable Federal, State and local laws, the associated agreements/assurances, program objectives, and the specific terms and conditions of the grant award.

#### **Cost Principles**

Except where otherwise authorized by statute, costs shall meet the following general criteria in order to be allowable under Federal awards:

- A. Be necessary and reasonable for proper and efficient performance and administration of the Federal award and be allocable thereto under these principles.

To determine whether a cost is reasonable, consideration shall be given to:

1. whether a cost is a type generally recognized as ordinary and necessary for the operation of the District or the proper and efficient performance of the Federal award;
2. the restraints or requirements imposed by such factors as sound business practices, arm's length bargaining, Federal, State, local, tribal and other laws and regulations;
3. market prices for comparable goods or services for the geographic area;
4. whether the individuals concerned acted with prudence in the circumstances considering their responsibilities; and
5. whether the cost represents any significant deviation from the established practices or Board of Education policy which may unjustifiably increase the expense.

While Federal regulations do not provide specific descriptions of what satisfies the "necessary" element beyond its inclusion in the reasonableness analysis above, whether a cost is necessary is determined based on the needs of the program. Specifically, the expenditure must be necessary to achieve an important program objective. A key aspect in determining whether a cost is necessary is whether the District can demonstrate that the cost addresses an existing need, and can prove it.

When determining whether a cost is necessary, consideration may be given to whether:

1. the cost is needed for the proper and efficient performance of the grant program;
2. the cost is identified in the approved budget or application;

3. there is an educational benefit associated with the cost;
4. the cost aligns with identified needs based on results and findings from a needs assessment;
5. the cost addresses program goals and objectives and is based on program data.

A cost is allocable to the Federal award if the goods or services involved are chargeable or assignable to the Federal award in accordance with the relative benefit received.

This standard is met if the cost:

1. is incurred specifically for the Federal award;
2. benefits both the Federal award and other work of the District and can be distributed in proportions that may be approximated using reasonable methods; and
3. is necessary to the overall operation of the District and is assignable to the Federal award in accordance with cost principles mentioned here.

B. Conform to any limitations or exclusions set forth in the cost principles in Part 200 or in the terms and conditions of the Federal award.

C. Be consistent with policies and procedures that apply uniformly to both Federally-financed and other activities of the District, **including prohibitions regarding costs incurred for telecommunications and video surveillance services or equipment.**

D. Be accorded consistent treatment. A cost cannot be assigned to a Federal award as a direct cost if any other cost incurred for the same purpose in like circumstances has been allocated to a Federal award as an indirect cost under another award.

E. Be determined in accordance with generally accepted accounting principles.

F. Be representative of actual cost, net of all applicable credits or offsets.

The term "applicable credits" refers to those receipts or reductions of expenditures that operate to offset or reduce expense items allocable to the Federal award. Typical examples of such transactions are: purchase discounts; rebates or allowances; recoveries or indemnities on losses; and adjustments of overpayments or erroneous charges. To the extent that such credits accruing to or received by the State relating to the Federal award, they shall be credited to the Federal award, either as a cost reduction or a cash refund, as appropriate.

G. Be not included as a match or cost-share, unless the specific Federal program authorizes Federal costs to be treated as such.

H. Be adequately documented:

1. in the case of personal services, the Superintendent shall implement a system for District personnel to account for time and efforts expended on grant funded programs to assure that only permissible personnel expenses are allocated;
2. in the case of other costs, all receipts and other invoice materials shall be retained, along with any documentation identifying the need and purpose for such expenditure if not otherwise clear.

I. Be incurred during the approved budget period.

The budget period means the time interval from the start date of a funded portion of an award to the end date of that funded portion during which recipients are authorized to carry out authorized work and expend the funds awarded, including any funds carried forward or other revisions pursuant to the law. Prior written approval from the Federal awarding agency or state pass-through entity may be required to carry forward unobligated balances to subsequent budget periods, unless waived.

### **Selected Items of Cost**

The District shall follow the rules for selected items of cost at 2 C.F.R. Part 200, Subpart E when charging these specific expenditures to a Federal grant. When applicable, District staff shall check costs against the selected items of cost requirements to ensure the cost is allowable. In addition, State, District, and program-specific rules, including the terms and conditions of the award, may deem a cost as unallowable and District personnel shall follow those rules as well.

**The following rules of allowability must apply to equipment and other capital expenditures:**

- A. Capital expenditures for general purpose equipment, buildings, and land are unallowable as direct charges, except with the prior written approval of the Federal awarding agency or pass-through entity.
- B. Capital expenditures for special purpose equipment are allowable as direct costs, provided that items with a unit cost of \$5,000 or more have the prior written approval of the Federal awarding agency or pass-through entity.
- C. Capital expenditures for improvements to land, buildings, or equipment which materially increase their value or useful life are unallowable as a direct cost except with the prior written approval of the Federal awarding agency, or pass-through entity.
- D. All Federally-funded contracts in excess of \$2,000 related to construction, alteration, repairs, painting, decorating, etc. must comply with Davis-Bacon prevailing wage requirements.
- E. Allowability of depreciation on buildings, capital improvements, and equipment shall be in accordance with 2 CFR 200.436 and 2 CFR 200.465.
- F. When approved as a direct cost by the Federal awarding agency or pass-through entity, capital expenditures will be charged in the period in which the expenditure is incurred, or as otherwise determined appropriate and negotiated with the Federal awarding agency.
- G. If the District is instructed by the Federal awarding agency to otherwise dispose of or transfer the equipment, the costs of such disposal or transfer are allowable.

**Cost Compliance**

The Superintendent shall require that grant program funds are expended and are accounted for consistent with the requirements of the specific program and as identified in the grant application. Compliance monitoring includes accounting for direct or indirect costs and reporting them as permitted or required by each grant. Costs incurred for the same purpose in like circumstances shall be treated consistently as either direct or indirect costs, but may not be double charged or inconsistently charged as both.

**Determining Whether a Cost is Direct or Indirect:**

- A. Direct costs are those costs that can be identified specifically with a particular final cost objective, such as a Federal award, or other internally or externally funded activity, or that can be directly assigned to such activities relatively easily with a high degree of accuracy.

These costs may include: salaries and fringe benefits of employees working directly on a grant-funded project; purchased services contracted for performance under the grant; travel of employees working directly on a grant-funded project; materials, supplies, and equipment purchased for use on a specific grant; program evaluation costs or other institutional service operations; and infrastructure costs directly attributable to the program (such as long distance telephone calls specific to the program, etc.).

- B. Indirect costs are those that have been incurred for a common or joint purpose benefitting more than one cost objective, and not readily assignable to the cost objectives specifically benefitted, without effort disproportionate to the results achieved. Costs incurred for the same purpose in like circumstances shall be treated consistently as either direct or indirect costs.

These costs may include: general data processing, human resources, utility costs, maintenance, accounting, etc.

Federal education programs with supplement not supplant provisions must use a restricted indirect cost rate. In a restricted rate, indirect costs are limited to general management costs. General management costs do not include divisional administration that is limited to one component of the District, the governing body of the District, compensation of the Superintendent, compensation of the chief executive officer of any component of the District, and operation of the immediate offices of these officers.

The salaries of administrative and clerical staff should normally be treated as indirect costs. Direct charging of these costs may be appropriate only if all of the following conditions are met:

1. Administrative or clerical services are integral to a project or activity.
2. Individuals involved can be specifically identified with the project or activity.
3. Such costs are explicitly included in the budget or have the prior written approval of the Federal awarding agency.
4. The costs are not also recovered as indirect costs.

Where a Federal program has a specific cap on the percentage of administrative costs that may be charged to a grant, that cap shall include all direct administrative charges as well as any recovered indirect charges.

Effort should be given to identify costs as direct costs whenever practical, but allocation of indirect costs may be used where not prohibited and where indirect cost allocation is approved ahead of time by the Florida Department of Education (FLDOE) or the pass-through entity (Federal funds subject to 2 C.F.R. Part 200 pertaining to determining indirect cost allocation).

### **Timely Obligation of Funds**

Financial obligations are orders placed for property and services, contracts and subawards made, and similar transactions that require payment.

The term "financial obligations" is used when referencing a recipient's or subrecipient's use of funds under a Federal award.

The following table illustrates when funds are determined to be obligated under the U.S. Department of Education regulations:

If the obligation is for:

- A. Acquisition of property - on the date which the District makes a binding written commitment to acquire the property.
- B. Personal services by an employee of the District - when the services are performed.
- C. Personal services by a contractor who is not an employee of the District - on the date which the District makes a binding written commitment to obtain the services.
- D. Performance of work other than personal services - on the date when the District makes a binding written commitment to obtain the work.
- E. Public utility services - when the District receives the services.
- F. Travel - when the travel is taken.
- G. Rental of property - when the District uses the property.
- H. A pre-agreement cost that was properly approved by the Secretary under the cost principles in 2 C.F.R. Part 200, Subpart E - Cost Principles - on the first day of the project period.

### **Period of Performance**

All financial obligations must occur during the period of performance. Period of performance means the total estimated time interval between the start of an initial Federal award when the District is permitted to carry out the work authorized by the grant and the planned end date. The period of performance may include one or more funded portions or budget periods. The period of performance is dictated by statute and will be indicated in the grant award notification ("GAN"). As a general rule, State-administered Federal funds are available for obligation within the year that Congress appropriates the funds for. However, given the unique nature of educational institutions, for many Federal education grants, the period of performance is twenty-seven (27) months. This maximum period includes a fifteen (15) month period of initial availability, plus a twelve (12) month period for carryover. For direct grants, the period of performance is generally identified in the GAN.

In the case of a State-administered grant, financial obligations under a grant may not be made until the application is approved or is in substantially approvable form, whichever is later. In the case of a direct grant, a grantee may use grant funds only for obligations it makes during the grant period, unless an agreement exists with the awarding agency or the pass-through entity (e.g., FLDOE) to reimburse for pre-approval expenses.

For both State-administered and direct grants, regardless of the period of availability, the District shall liquidate all financial obligations incurred under the award not later than ninety (90) days after the end of the funding period unless an extension is authorized. Any funds not obligated within the period of performance or liquidated within the appropriate timeframe are said to lapse and shall be returned to the awarding agency. Consequently, the District shall closely monitor grant spending throughout the grant cycle.

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- 2 C.F.R. 200.344(b)
- 2 C.F.R. 200.403
- 2 C.F.R. 200.404
- 2 C.F.R. 200.405
- 2 C.F.R. 200.406
- 2 C.F.R. 200.413(a)-(c)
- 2 C.F.R. 200.430(a)
- 2 C.F.R. 200.431(a)
- 2 C.F.R. 200.458
- 34 C.F.R. 75.703
- 34 C.F.R. 76.707
- 34 C.F.R. 76.708(a)

Last Modified by Lisa Becker on June 16, 2022

Book	Policy Manual
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Status	
Adopted	June 13, 2017
Last Revised	July 20, 2021

#### 6320 - **PURCHASING AND CONTRACTING FOR COMMODITIES AND CONTRACTUAL SERVICES**

Any School Board employee who has purchasing authority shall consider first the interests of the Board in all purchases and seek to obtain the maximum value for each dollar expended; not solicit or accept any gifts or gratuities from present or potential suppliers which might influence or appear to influence purchasing decisions; and refrain from any private business or professional activity that might present a conflict of interest in making purchasing decisions on behalf of the Board.

No person, unless authorized to do so under this policy, may make any purchase or enter into any contract involving the use of school funds. The Board will not approve any expenditure for an unauthorized purchase or contract.

Purchases may be made through an online procurement system, an electronic auction service, or other efficient procurement tool.

#### **Scope**

This policy shall generally apply to the District's purchase of commodities and contractual services, except it shall not apply to:

- A. employment contracts;
- B. acquisition of architectural, engineering, landscape architectural, construction management at risk, registered surveying and mapping, or other services pursuant to Policy 6330 - Acquisition of Professional Architectural, Engineering, Landscape Architectural, or Land Surveying Services;
- C. acquisition of auditing services pursuant to F.S. 218.391;
- D. acquisition of professional consultant services, including but not limited to services of lawyers, accountants, financial consultants, and other business or operational consultants
- E. contracts which are exempted, in whole or in part, from this policy's requirements, as set forth below;
- F. proposals and agreements for public-private partnerships with private entities for qualifying projects pursuant to F.S. 287.057(12).

#### **Definitions**

- A. "Competitive solicitation" means purchasing made through the issuance of an invitation to bid, request for proposals and invitation to negotiate. Competitive solicitations are not required for purchases made through the pool purchase provisions of F.S. 1006.27.
- B. "Invitation to bid" means a written or electronic solicitation for competitive sealed bids. The invitation to bid is used when the Board is capable of specifically defining the scope of work for which a contractual service is required or when the Board is capable of establishing precise specifications defining the actual commodity or group of commodities required. A written solicitation includes a solicitation that is publicly posted.

- C. "Invitation to negotiate" means a written or electronically posted solicitation for competitive sealed replies to select one (1) or more vendors with which to commence negotiations for the procurement of commodities or contractual services. The invitation to negotiate is used when the Board determines that negotiations may be necessary for it to receive the best value. A written solicitation includes a solicitation that is publicly posted.
- D. "Proposer" means those vendors submitting bids or responses to a competitive solicitation.
- E. "Request for proposals" means a written or electronically posted solicitation for competitive sealed proposals. The request for proposals is used when it is not practicable for the Board to specifically define the scope of work for which the commodity, group of commodities, or contractual service is required and when the Board is requesting that a responsible vendor propose a commodity, group of commodities, or contractual service to meet the specifications of the solicitation document. A written solicitation includes a solicitation that is publicly posted.
- F. "Superintendent" means the "Superintendent or designee".
- G. "Request for Quotations" means an informal process to solicit three (3) or more price quotes on commodities or contractual services with standard specifications and valued under the threshold requiring formal competitive solicitations. Quotations may be obtained verbally or via facsimile or e-mail.

**Standards and Specifications**

Before making any purchase of commodities or contractual services which the Superintendent is authorized by the Board to make or before recommending any purchase to the Board, the Superintendent shall, insofar as possible, propose standards and specifications. S/He shall see that the commodities or contractual services conform to those standards and specifications, and shall take such other steps as are necessary to see that the maximum value is being received for any money expended.

**Pre-Purchasing Review of Available Purchasing Agreements and State Term Contracts for Nonacademic Commodities and Contractual Services**

Before purchasing nonacademic commodities and contractual services, the Board authorizes the Superintendent to review the purchasing agreements and State term contracts available under F.S. 287.056 to determine whether it is in the Board's economic advantage to use the agreements and contracts.

Each bid specification for nonacademic commodities and contractual services must include a statement indicating that the purchasing agreements and State term contracts available under F.S. 287.056 have been reviewed. The Board may use the cooperative State purchasing programs managed through the regional consortium service organizations pursuant to F.S. 1001.451. This policy does not apply to services that are eligible for reimbursement under the Federal E-rate program administered by the Universal Service Administrative Company.

**Competitive Solicitation Requirements for Commodities and Contractual Services Other Than Construction Contracting**

Except as authorized by law or policy, competitive solicitations shall be requested from three (3) or more sources for the purchase of any authorized commodities or contractual services in an amount greater than \$50,000.

The procurement of commodities or contractual services may not be divided so as to avoid this monetary threshold requirement.

A. Bid Solicitation

The Superintendent is authorized to issue invitations for bids.

B. Bid Publication

Notice of the invitation for bids or requests for proposals shall be published at least once in a newspaper of general circulation within the District and may be otherwise issued electronically, direct delivery, or other means which are appropriate under the circumstances. The required bid return date is to be announced at the time of the bid offering and shall not be less than five (5) working days from the bid offering date.

C. Bid Opening

Bids will be opened in the office designated in the bid document with the Superintendent's designee and at least one (1) other District employee present.

D. Bid Rejection

The Board may reject any or all bids and request new bids.

## E. Bid Award

In acceptance of responses to invitations to bid, the Board may accept the proposal of the lowest responsive, responsible proposer. The Board may also choose to award contracts to the lowest responsive, responsible bidder as the primary awardee of a contract and to the next lowest responsive, responsible bidder(s) as alternate awardees, from whom commodities or contractual services would be purchased, should the primary awardee become unable to provide all of the commodities or contractual services required by the Board during the term of the contract. Nothing herein is meant to prevent multiple awards to the lowest responsive and responsible bidders, when such multiple awards are clearly stated in the bid solicitation documents.

For a bidder to be considered responsive, the proposal must respond to all bid specifications in all material respects and contain no irregularities or deviations from the bid specifications which would affect the amount of the bid or otherwise provide a competitive advantage.

For a bidder to be deemed responsible, the Board may request evidence from the bidder concerning:

1. the experience (type of product or service being purchased, etc.) of the bidder;
2. the financial condition;
3. the conduct and performance on previous contracts (with the District or other agencies);
4. the bidder's facilities;
5. the ability to execute the contract properly.

Award of a bid by the Board shall only represent an indication by the Board that a bid represents the lowest responsive bid from a responsible and responsive bidder meeting the requirements and criteria set forth in the invitation to bid. Award of a bid shall not create a binding obligation on the Board, and no obligation shall be created or imposed on the District until such time as the Board Chair/designee executes a contract.

### **Identical/Tie Low Bids**

When identical low bids are received from an out-of-District vendor and a local vendor, the local vendor shall be recommended for award. The term "local vendor" means a vendor who has an established business presence in the District indicated by the following:

- A. Has a physical business location within the District for at least six (6) months immediately prior to issuance of the competitive solicitation.
- B. Provides customer access at the business location.
- C. Holds any required business license through a jurisdiction in the District.
- D. Employs one (1) full-time or two (2) part-time employees in the District, or if the business has no employees, is at least fifty percent (50%) owned by one (1) or more persons whose primary residence(s) is located within the District.

When two (2) or more local vendors present tie low bids on the same items, the company receiving the larger dollar award of the total bid shall be recommended for tie items.

In the event two (2) or more local vendors present exact tie low bids and the dollar award is not a criterion, the successful bidder shall be selected by applying the following criteria in order:

- A. drug-free workplace program in accordance with Florida law
- B. minority business enterprise (MBE) certified by the State of Florida Office of Supplier Diversity
- C. veteran business enterprise, certified by the State of Florida Department of Management Services

When two (2) out-of-District vendors submit identical low bids, the criteria noted above shall be used to determine the successful bidder.

### **Exception to Competitive Bidding Requirements**

Notwithstanding anything in this policy to the contrary, the Board may make certain purchases without the requirement for competitive solicitations, under the following conditions:

- A. In lieu of requesting competitive solicitations from three (3) or more sources, the Board may make purchases at or below the unit prices in contracts awarded by other Federal, State, city or county governmental agencies, other school boards, community colleges, or State university system cooperative bid agreements when the proposer awarded a contract by another entity will permit purchases by the Board at the same terms, conditions, and unit prices (or below such prices) awarded in such contract, and such purchases are to the economic advantage of the Board.

- B. The Superintendent is authorized to purchase commodities and contractual services where the total amount does not exceed \$50,000.00 and does not exceed the applicable appropriation in the budget.
- C. The Superintendent is authorized to purchase commodities and contractual services under the Department of Management Services State term contracts.
- D. Competitive solicitations are not required for pool purchases made as provided in F.S. 1006.27.
- E. The State Board has waived the requirement for requesting competitive solicitations from three (3) or more sources for purchases by the Board of:
1. Professional services which shall include, without limitation, artistic services; academic program reviews; lectures by individuals; auditing services not subject to F.S. 218.391; legal services, including attorney, paralegal, expert witness, court reporting, appraisal or mediator services; and health services involving examination, diagnosis, treatment, prevention, medical consultation or administration; provided nothing herein shall be deemed to authorize the superintendent to acquire professional consultant services without Board approval as required by Board Policy 6540;
  2. Educational services and any type of copyrighted materials including, without limitation, educational tests, textbooks, printed instructional materials, computer software, films, filmstrips, videotapes, DVDs, disc or tape recordings, digital recordings, or similar audio-visual materials, and for library and reference books, and printed library cards where such materials are purchased directly from the producer or publisher, the owner of the copyright, an exclusive agent within the state, a governmental agency or a recognized educational institution;
  3. Commodities and contractual services when:
    - a. competitive solicitations have been requested in the manner prescribed by this policy; and
    - b. the Board has made a finding that no valid or acceptable firm proposal has been received within the prescribed time.

When such a finding has been officially made, the Board may enter into negotiations with suppliers of such commodities and contractual services and may execute contracts with such vendors under whatever terms and conditions as the Board determines to be in its best interests.
  4. Commodities and contractual services when fewer than two (2) responsive proposals are received. The Board may then negotiate on the best terms and conditions or decide to reject all proposals. The Board will document the reasons that negotiating terms and conditions with the sole proposer is in the best interest of the District in lieu of re-soliciting proposals.
- F. Information technology resources, whether by purchase, lease, lease with option to purchase, rental, or otherwise as defined in F.S. 282.0041(19), may be acquired by competitive solicitation or by direct negotiation and contract with a vendor or supplier, as best fits the needs of the District as determined by the Board.
- G. Purchases of insurance, risk management programs, or contracting with third party administrators for insurance-related services may be through competitive solicitation or by direct negotiation and contract with a vendor or supplier.
- H. Purchase of milk is exempt from competitive bid requirements if:
1. the Board has made a finding that no valid or acceptable firm bid has been received within the prescribed time; or
  2. the Board has made a finding that an emergency situation exists.

The Board may then enter into negotiations with suppliers of milk and has the authority to execute contracts under whatever terms and conditions the Board determines to be in the best interest of the District.
- I. The Board may dispense with requirements for a competitive solicitation for the emergency purchase of commodities or contractual services when the Superintendent determines in writing that an immediate danger to the public health, safety, or welfare or other substantial loss to the District requires emergency action. After the Superintendent makes such a written determination, the Board may proceed with the procurement of commodities or contractual services necessitated by the immediate danger, without requesting competitive solicitations. However, such an emergency purchase shall be made by obtaining pricing information from at least two (2) prospective vendors, which must be retained in the contract file, unless the Superintendent determines in writing that the time required to obtain pricing information will increase the immediate danger to the public health, safety, or welfare or other substantial loss to the District.
- J. Commodities or contractual services available only from a single source may be exempted from the competitive solicitation requirements. When the Board believes that commodities or contractual services are available only from a single source, the Board will electronically post a description of the commodities or contractual services sought for a period of at least seven (7) business days. The description will include a request that prospective vendors provide information about their ability to supply the commodities or contractual services described. If it is determined in writing by the Board, after reviewing any

information received from prospective vendors, that the commodities or contractual services are available only from a single source, the Board shall provide notice of its intended decision to enter a single source contract in the manner specified in Policy 6326 - Bid Protests, and may negotiate on the best terms and conditions with the single source vendor.

- K. The Board may make purchases of construction project materials directly from vendors, on behalf of the awarded construction contractor/manager, to take advantage of the District's "sales tax" exempt status.
- L. A contract for commodities or contractual services may be awarded without competitive solicitations if State or Federal law, a grant or a State or Federal agency contract prescribes with whom the Board must contract or if the rate of payment is established during the appropriations process.
- M. A contract for regulated utilities or government franchised services may be awarded without competitive solicitations.

**Contract**

Each Board contract for services must include a provision that requires the contractor to comply with public records laws, specifically to:

- A. keep and maintain public records that ordinarily and necessarily would be required by the Board in order to perform the service under the contract;
- B. provide the public with access to its public records on the same terms and conditions as the Board would provide the records, and at a cost that does not exceed the cost provided in Policy 8310 - Public Records;
- C. ensure that any of its public records that are exempt or confidential and exempt from public records disclosure requirements are not disclosed, except as authorized by law;
- D. meet all requirements for retaining public record and, upon termination of the contract, transfer to the Board, at no cost, all public records in its possession and destroy any duplicate public records that are exempt or confidential and exempt from public records disclosure requirements. All records stored electronically must be provided to the Board in a format that is compatible with the Board's information technology systems;
- E. the contractor shall furnish a copy of any public records request or request for records in any way relating to the District, immediately upon receipt to the District's Director of Finance and Purchasing or designee.

Each contract must also include the following statement, in substantially the following form, identifying the contact information of the District's custodian of public records in at least fourteen (14) point boldface type: "IF THE CONTRACTOR HAS QUESTIONS REGARDING THE APPLICATION OF F.S. CHAPTER 119 TO THE CONTRACTOR'S DUTY TO PROVIDE PUBLIC RECORDS RELATING TO THIS CONTRACT, CONTACT THE CUSTODIAN OF PUBLIC RECORDS AT (352)797-7061, [locke\\_d@hcsb.k12.fl.us](mailto:locke_d@hcsb.k12.fl.us), 8050 MOBLEY ROAD, BROOKSVILLE, FL 34601".

Contracts shall be approved and executed as follows:

A. Superintendent/Designee Authority

The Superintendent is authorized to approve and execute contracts on behalf of the District involving expenditure of public funds in an amount no greater than \$50,000.00, so long as the obligation created does not exceed the applicable appropriation within the District budget and the contract is otherwise in compliance with applicable District procedures, policies, and law. For purposes of this policy, any group of contracts, purchase orders to the same provider which are connected in terms of time, location and services such that a reasonable person would view them as a single contract shall be deemed to be a single contract. The Superintendent shall not divide the procurement of commodities or contractual services so as to avoid the monetary cap imposed by this policy. Designations of contracting authority by the Superintendent shall be in writing and shall specify the maximum obligation permitted up to \$50,000.00.

B. Emergency Purchases

Notwithstanding the general limit on the Superintendent's authority to enter into contracts involving expenditure of public funds in an amount no greater than \$50,000.00, the Superintendent is authorized to approve and execute contracts on behalf of the District involving expenditure of public funds in an amount of \$50,000 or greater when the Superintendent determines in writing that an immediate danger to the public health, safety, or welfare or other substantial loss to the School District requires emergency action.

C. Board Approval

Except as expressly provided herein, the Board shall approve and execute all contracts on behalf of the District involving the expenditure of public funds in an amount greater than \$50,000. When the Superintendent has determined that an emergency exists, the emergency purchase is placed, after the fact, on the first available Board meeting (F.A.C. 6A-1.012(12) (e)).

**Purchase Order Approval**

#### A. Bids/Exceptions

The Superintendent is authorized to issue purchase orders in accordance with bids awarded pursuant to below without further action of the Board so long as the obligation created does not exceed \$50,000.00. Board approval shall be obtained for all purchase orders greater than \$50,000.00.

#### B. Contracts

Contracts shall be approved as follows:

1. Obtain approval by the Board attorney.
2. Principals have the authority to approve contracts for purchases involving the expenditure from internal account funds for one(1) year and not to exceed the bid limit as set forth by the School District.
3. The Superintendent has the authority to approve purchase contracts in an amount up to \$50,000.00.
4. Board approval shall be obtained for all purchase contracts in an amount of \$50,000.01 or more.

#### **Consultant Agreements**

The Superintendent may enter into agreements with consultants not to exceed ~~\$25,000~~ **\$50,000** for the total school year to provide training and advisory services. Agreements must be signed by the consultant and approved to form by the general counsel authority prior to the performance of services. Amounts in excess of these must be approved by the School Board. Partial payments shall be made to the consultant while services are rendered. Final payment will not be paid until all services and supportive documentations have been completed.

#### **Debarment**

The Director of Finance and Purchasing or designee shall have the authority to debar a person/corporation, for cause, from consideration or award of further contracts. The debarment shall be for a period commensurate with the seriousness of the cause, generally not to exceed three (3) years. If a suspension precedes a debarment, the suspension period shall not be considered in determining the debarment period. When the offense is willful or blatant, a longer term of debarment may be imposed, up to an indefinite period.

##### A. Cause of Debarment

The term "debar" or "debarment" means to remove a vendor from bidding on District work. Causes for debarment include, but are not limited to the following:

1. a conviction for commission of a criminal offense as an incident to obtaining or attempting to obtain a public or private contract or sub-contract, or in the performance of such contract
2. conviction under State or Federal statutes for embezzlement, theft, forgery, bribery, falsification or destruction of records, or receiving stolen property, or any other offense indicating lack of business integrity or business honesty which currently, seriously, and directly affects responsibility as a vendor
3. conviction under State or Federal anti-trust statutes arising out of submission of bids or proposals
4. violation of contract provisions, including:
  - a. deliberate failure, without good cause, to perform in accordance with specifications or within the time limits provided in the contract(s); and
  - b. a recent record of failure to perform, or of unsatisfactory performance, in accordance with the terms of one (1) or more contracts; provided that failure to perform or unsatisfactory performance caused by acts beyond the control of the contractor shall not be considered to be a basis for debarment
5. refutation of an offer by failure to provide bonds, insurance or other required certificates within the time period as specified in bid/RFP response
6. refusal to accept a purchase order, agreement, or contract, or to perform thereon, provided such order was issued timely and in conformance with the offer received
7. presence of principals or corporate officers in the business of concern who were principals within another business at the time when the other business was suspended within the last three (3) years under the provisions of this section

8. violation of the ethical standards set forth in State law
9. providing or offering to provide anything of value, including, but not limited to, a gift, loan, reward, promise of future employment, favor or service to any employee to influence the award of a contract or purchase items from a contractor
10. the existence of unresolved disputes between the contractor and the District arising out of or relating to prior contracts between the District and the contractor, work performed by the contractor, or services or products delivered
11. any other cause the Director of Finance and Purchasing or designee determines to be so serious and compelling as to affect credibility as a District vendor, including debarment by another governmental entity for any cause listed in this policy

**B. Notice of Recommended Decision**

The Director of Finance and Purchasing or designee shall issue a notice letter that advises the party that it is debarred or suspended. The letter shall:

1. state the reason(s) for the action taken; and
2. inform the vendor of its right to petition the Board for reconsideration.

**C. Right to Request a Hearing**

Any person who is dissatisfied or aggrieved with the notification of the determination to debar or suspend must, within ten (10) calendar days of such notification, appeal such determination to the Board.

**D. Hearing Date**

The Board shall schedule a hearing at which time the person shall be given the opportunity to demonstrate why the debarment/suspension by the Director of Finance and Purchasing or designee should be overturned. All parties shall be given notice of the hearing date.

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Revised 7/20/21

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F.S. 119.0701

F.S. 255.05

F.S. 255.0516

F.S. 255.0518

F.S. 282.0041

F.S. 287.056

F.S. 287.084

F.S. 287.087

F.S. 287.132

F.S. 287.133

F.S. 295.187

F.S. 1001.43

F.S. 1001.451

F.S. 1010.04

F.S. 1010.07(2)

F.S. 1010.48

F.A.C. 6A-1.012, Purchasing Policies

F.A.C. 5P-1.003, Responsibilities for the School Food Service Program

Last Modified by Lisa Becker on June 3, 2022

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#### 6322 - **CONSTRUCTION CONTRACTING AND BIDDING**

All school construction bids shall be the responsibility of the Superintendent. Bidding and contracting for construction, remodeling, and renovation shall comply with all applicable provisions of the most recent version of the State Requirements for Educational Facilities (SREF).

This policy shall generally apply to contracts for construction projects that shall be funded with capital outlay funds or capital grants that relate to new construction, additions, remodeling, renovations, maintenance, or repairs to existing facilities.

This policy shall not apply to the acquisition of architectural, engineering, landscape architectural, construction management at-risk, design-build, total program management, or surveying and mapping services, which shall be acquired pursuant to Policy 6330 - Acquisition of Professional Architectural, Engineering, Landscape Architectural or Land Surveying Services.

The School Board may contract for construction of new facilities, or for additions, remodeling, renovation, maintenance, or repairs to existing facilities, through means including, but not be limited to:

- A. competitive bids;
- B. design-build pursuant to F.S. 287.055;
- C. selecting a construction management entity, pursuant to F.S. 255.103 or 287.055, that would be responsible for all scheduling and coordination of both the design and construction phases and would be responsible for the successful, timely, and economical completion of the construction project;
- D. selecting a program management entity, pursuant to F.S. 255.103 or 287.055, that would act as the agent of the Board and would be responsible for schedule control, cost control, and coordination in providing or procuring planning, design, and construction services;
- E. proposals to enter into a public-private partnership with a private entity for the acquisition, design, construction, improvement, renovation, expansion, equipping, maintenance, or operation of a qualifying project pursuant to F.S. 255.065;

The Superintendent shall be responsible for submitting proposed public-private partnership agreements to the Board for consideration, including unsolicited proposals from private entities. The Board shall evaluate and consider all proposed public-private partnership agreements pursuant to the guidelines set forth in F.S. 255.065.

- F. day-labor contracts not exceeding \$200,000 for construction, renovation, remodeling, or maintenance of existing facilities.

Beginning January 2009, this amount shall be adjusted annually based upon changes in the Consumer Price Index.

For purposes of this policy, "day-labor contract" means a project constructed using persons employed directly by the Board or by contracted labor.

## **Bonds**

### A. For Projects Costing Less than \$200,000

In order to encourage participation in construction, remodeling, and renovation projects by small, woman-owned, and minority-owned businesses, no bid security or performance or payment bond shall be required for bids in an amount less than \$200,000, unless it is determined necessary by the Superintendent. If bonds are required, the information will be specified in the project documentation and the provisions of subsection B below will apply.

### B. For Projects Costing \$200,000 or Greater

Bonds may be required as specified in the bids for construction, remodeling, and renovation of District facilities must be accompanied by a bid security meeting the following requirements, for bids \$200,000 or greater:

1. Bid security shall be a certified check, cashier's check, Treasurer's check, bank draft, or bid bond acceptable to the Board in a form and manner that is acceptable to the Board.
2. Should the accepted bidder refuse to enter into the contract or fail to furnish performance and materials and payment bonds, the amount of the bid security may be forfeited to the District.

The accepted bidder must deliver performance and payment bonds equal to the contract price, no later than the date of execution of the contract or the first request for payment under the contract, whichever is first. Bonds must be issued by surety companies admitted to do business in the State of Florida and listed in the Federal Register of the U.S. Department of Treasury for Surety Companies Acceptable on Federal Bonds.

## **Notice and Terms**

The Superintendent or designee shall be responsible for preparing the legal notice for bids and shall determine that such notice meets the requirements of Florida statutes and State Board of Education Rules and contains the information needed by the prospective bidders, to include the following:

- A. date, time, and place relating to submitting of bids;
- B. procedures for presenting bids;
- C. conditions and terms for receiving bids;
- D. procedures to be followed in the opening and presenting bids to the Board; and
- E. conditions for awarding contracts based on bids.

These provisions shall be followed for construction bids:

- A. The bid time and date shall be established by the Superintendent or designee.
- B. Bids by telegram or facsimile shall not be accepted nor shall any other type of bid be accepted which cannot be classified as a sealed bid. Bids received by mail shall be stamped with the time and date received by the District office.
- C. Bids shall be opened at the designated time in the invitation to bid. At the designated time, the person presiding shall inquire if all bids have been received; no other bids shall be accepted and no bid may be withdrawn after the deadline. Negligence on the part of the bidder in preparing the bid shall confer no right for withdrawal after the designated time for the opening of bids.
- D. All bids shall be opened, read aloud, and recorded.
- E. Unless all bids are rejected by the Board for valid reasons, the contract shall be awarded to the lowest responsible bidder meeting all requirements and specifications.

The specifications for construction bids may not be written to limit any purchase of systems or materials to a specific brand or a single course of supply, unless the Board, after consideration of all available alternative materials and systems, determines that the specifications of a sole material or system is justifiable.

All bid requests shall include a notification to bidders that failure to file a bid protest within the time and in the manner prescribed by Florida statutes and Policy 6320 - *Purchasing and Contracting for Commodities and Contractual Services*, shall constitute a waiver of

any further right to protest such bid award.

### **Competitive Solicitation Requirements for Construction Contracting**

Contracts governed by this policy shall be approved and executed as set forth below. A "construction project" shall be deemed to include a single contract or group of contracts with the same provider which is directly connected in terms of time, location, or services, such that a reasonable person would consider the services to be provided as a single project.

#### A. Construction Projects Involving Expenditures of \$0.00 - \$25,000.00

Contracts for construction projects involving expenditures of \$0.00 - \$25,000.00 shall be approved and executed as follows:

##### 1. Architect/Engineer Services

Unless otherwise deemed appropriate by the Director of Facilities, contracts governed by this subsection do not require the assistance and services of a registered architect/engineer.

##### 2. Direct Negotiations Authorized

Unless otherwise deemed appropriate by the Director of Facilities, contracts governed by this subsection do not require solicitation of formal bids. The District may negotiate directly with potential service providers for contracts governed by this subsection. In order to secure the most efficient and effective contracts, the District is encouraged to secure multiple quotes or to negotiate with multiple providers before entering into contracts hereunder.

#### B. Construction Projects Involving Expenditures of \$25,000.01 - \$75,000.00

Contracts for construction projects involving expenditures of \$25,000.01 - \$75,000.00 shall be approved and executed as follows:

##### 1. Architect/Engineer Services

Unless otherwise deemed appropriate by the Director of Facilities **or as otherwise provided in F.S. 481.229 and 1013.45**, contracts **for which the construction costs is less than \$50,000 or for the placement or hookup of relocatable educational facilities that conform with standards adopted under F.S. 1013.37 -governed by this-subsection** do not require the assistance and services of a registered architect/engineer. **Contracts for which the construction cost exceeds \$50,000 shall require the assistance and services of a registered architect/engineer.**

##### 2. Three (3) Quotations Required

Unless otherwise deemed appropriate by the Director of Facilities, contracts governed by this subsection do not require solicitation of formal bids. The District may approve and enter into contracts governed by this subsection after securing three (3) written quotes and conducting any further negotiations that may be deemed appropriate, the Superintendent shall recommend that the Board approve a purchase order or execute a contract with the most efficient and effective proposer.

#### C. Construction Projects, Other Than Electrical Projects, Involving Expenditures of \$75,000.01 - \$300,000.00

Contracts for construction projects, other than electrical projects, involving expenditures of \$75,000.01 - \$300,000.00 shall be approved and executed as follows:

##### 1. Architect/Engineer Services

Contracts governed by this subsection shall require the assistance and services of a registered architect/engineer.

##### 2. Three (3) Quotations Required

Unless otherwise deemed appropriate by the Director of Facilities, contracts governed by this subsection do not require solicitation of formal bids. The District may approve and enter into contracts governed by this subsection after securing three (3) written quotes from qualified providers. After securing the quotes and conducting any further negotiations that may be deemed appropriate, the Superintendent shall recommend that the Board approve a purchase order or execute a contract with the most efficient and effective proposer.

#### D. Electrical Projects Involving Expenditures of \$75,000.01 - \$200,000.00

Contracts for electrical projects involving expenditures of \$75,000.01 - \$200,000.00 shall be approved and executed as follows:

1. Architect/Engineer Services

Contracts governed by this subsection shall require the assistance and services of a registered architect/engineer.

2. Bid Solicitation Required

Contracts governed by this subsection shall be advertised in conformance with the procedures outlined in this section.

a. Legal Notice

The District shall publish notice of projects governed by this section in a local newspaper with general circulation throughout the District for a minimum of once per week for three (3) consecutive weeks with the last publication appearing at least seven (7) days prior to bid opening.

b. Rejection of Bids/Waiver of Technicalities

The Board reserves the right in its sole discretion to reject all bids and to waive technicalities in any and all bids.

E. Construction Projects Involving Expenditures in Excess of \$300,000.00

Contracts for projects involving expenditures in excess of \$300,000.00 shall be approved and executed as follows:

1. Architect/Engineer Services

Contracts governed by this subsection shall require the assistance and services of a registered architect/engineer.

2. Bid Solicitation Required

Contracts governed by this subsection shall be advertised in conformance with the procedures outlined in this section.

a. Legal Notice

The District will publish notice of projects governed by this section in a local newspaper with general circulation throughout the District for a minimum of once per week for three (3) consecutive weeks with the last publication appearing at least seven (7) days prior to bid opening.

b. Rejection of Bids/Waiver of Technicalities

The Board reserves the right in its sole discretion to reject all bids and to waive technicalities in any and all bids.

F. Construction Projects Involving Fifty Percent (50%) or More State-Appropriated Funds

For a competitive solicitation for construction services in which fifty percent (50%) or more of the cost will be paid from State-appropriated funds which have been appropriated at the time of the competitive solicitation, the Board will not use a policy that provides a preference based upon the contractor's:

1. maintaining an office or place of business within a particular local jurisdiction;
2. hiring employees or subcontractors from within a particular local jurisdiction; or
3. prior payment of local taxes, assessments, or duties within a particular local jurisdiction.

For any such competitive solicitation, the Board will disclose in the solicitation document that any applicable local policy does not include any of the preferences listed above.

**Exception to Construction Requirements**

The Board may, with a majority vote at a public meeting that begins no earlier than 5 p.m., adopt a resolution to implement one (1) or more of the exceptions to the educational facilities construction requirements described below.

The Board's resolution may propose the implementation of exceptions to requirements of the uniform Statewide building code for the planning and construction of public educational and ancillary plants relating to the following:

- A. Interior non-load bearing walls by approving the use of fire-rated wood stud walls in new construction or remodeling for interior non-load bearing wall assemblies that will not be exposed to water or located in wet areas.
- B. Walkways, roadways, driveways, and parking areas by approving the use of designated, stabilized, and well-drained gravel or grassed student parking areas.
- C. Standards for relocatables used as classroom space by approving construction specifications for installation of relocatable buildings that do not have covered walkways leading to the permanent buildings onsite.
- D. Site lighting by approving construction specifications for site lighting that:
  - 1. Do not provide for lighting of gravel or grassed auxiliary or student parking areas.
  - 2. Provide lighting for walkways, roadways, driveways, paved parking lots, exterior stairs, ramps, and walkways from the exterior of the building to a public walkway through the installation of a timer that is set to provide lighting only during periods when the site is occupied.
  - 3. Allow lighting for building entrances and exits to be installed with a timer that is set to provide lighting only during periods in which the building is occupied. The minimum illumination level at single-door exits may be reduced to no less than one (1) foot-candle.
- E. Any other provisions that limit the ability of a school to operate in a facility on the same basis as a charter school pursuant to F.S. 1002.33(18) so long as the regional planning council determines that there is sufficient shelter capacity within the District as documented in the Statewide Emergency Shelter Plan.

#### **Opening of Competitive Bids**

Notwithstanding F.S. 119.071(1, b), in any competitive solicitation for construction or repairs on a Board building or facility, the Superintendent will:

- A. open the sealed bid, or the portion of the sealed bid that includes the price submitted, at a public meeting conducted in compliance with F.S. 286.011 and Board Bylaw 0164 - *Notice of Meetings*, and Bylaw 0168 - *Minutes*;
- B. announce the name of each bidder and the price submitted in the bid at that meeting; and
- C. make available the name of each bidder and the price submitted in the bid, upon request.

#### **Receipt of Less than Two (2) Responsive Proposals for Commodities and Contractual Services**

In the event the Board receives less than the two (2) responsive proposals for commodities and contractual services, the Board may negotiate on the best terms and conditions or decide to reject all proposals. The Board shall document the reasons for the decision to negotiate terms and conditions with the sole proposer in lieu of re-soliciting proposals.

#### **Contract Execution**

Contracts governed by this policy shall be awarded to the lowest responsive and responsible bidder, considering the base bid and accepted alternatives; and be executed pursuant to Policy 6320 - *Purchasing and Contracting for Goods and Services*. Award of a bid by the Board shall only represent an identification by the Board that a bid represents the lowest responsible bid received by the District. Award of the bid shall not create a binding obligation on the Board, and no obligation shall be created or imposed on the District until such time as the Board Chair/designee executes a contract in a form satisfactory to the District.

Each Board contract for services must include a provision that requires the contractor to comply with public records laws, specifically to:

- A. keep and maintain public records that ordinarily and necessarily would be required by the Board in order to perform the service under the contract;
- B. provide the public with access to its public records on the same terms and conditions as the Board would provide the records, and at a cost that does not exceed the cost provided in Policy 8310 - *Public Records*;
- C. ensure that any of its public records that are exempt or confidential and exempt from public records disclosure requirements are not disclosed, except as authorized by law;

D. meet all requirements for retaining public record and, upon termination of the contract, transfer to the Board, at no cost, all public records in its possession and destroy any duplicate public records that are exempt or confidential and exempt from public records disclosure requirements. All records stored electronically must be provided to the Board in a format that is compatible with the Board's information technology systems.

### **Certified Copy of Recorded Bond**

Before commencing the work or before recommencing the work after a default or abandonment, the contractor shall provide to the Board a certified copy of the recorded bond. Notwithstanding the terms of the contract or any other law governing prompt payment for construction services, the Board may not make a payment to the contractor until the contractor has complied with this paragraph. This paragraph applies to contracts entered into on or after October 1, 2012.

### **Consultant Agreements**

The Superintendent may enter into agreements with consultants not to exceed \$50,000 for the total school year to provide training and advisory services. Agreements must be signed by the consultant and approved to form by the general council authority prior to the performance of services. Amounts in excess of these must be approved by the School Board. Partial payments shall be made to the consultant while services are rendered. Final payment will not be paid until all services and supportive documentations have been completed.

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Revised 10/13/20  
Revised 7/20/21

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Legal	F.S. 255.05
	F.S. 255.0516
	F.S. 255.0518
	F.S. 255.065
	F.S. 255.0991
	F.S. 287.055
	F.S. 1001.43
	F.S. 1010.04
	F.S. 1010.07(2)
	F.S. 1010.48
	F.S. 1013.385
	F.S. 1013.45
	F.S. 1013.46
	F.S. 1013.47
	Purchasing Policies, F.A.C. 6A-1.012
	Educational Facilities, F.A.C. 6A-2.0010

Last Modified by Lisa Becker on June 16, 2022

Book	Policy Manual
Section	Revised Volume 22 No. 2
Title	PROCUREMENT – FEDERAL GRANTS/FUNDS
Code	po6325 jmm04262022
Status	
Adopted	June 13, 2017
Last Revised	July 20, 2021

### 6325 - **PROCUREMENT – FEDERAL GRANTS/FUNDS**

Procurement of all supplies, materials, equipment, and services paid from Federal funds or District matching funds shall be made in accordance with all applicable Federal, State, and local statutes and/or regulations, the terms and conditions of the Federal grant, School Board policies, and administrative procedures.

The Superintendent shall have and hold a procurement and contract administration system in accordance with the USDOE requirements (2 C.F.R. 200.317-.326) for the administration and management of Federal grants and Federally-funded programs. The District shall maintain oversight that requires contractors to perform in accordance with the terms, conditions, and specifications of their contracts or purchase orders. Except as otherwise noted, procurement transactions shall conform to the provisions of the District’s documented general purchasing Policy 6320, AP 6320A, and AP 6325.

**All Federally-funded contracts in excess of \$2,000 related to construction, alteration, repairs, painting, decorating, etc. of public buildings or public works must comply with Davis-Bacon and Related Acts prevailing wage requirements.**

The District shall take affirmative steps to assure that small and minority businesses, women's business enterprises, and labor surplus area firms are used when possible in accordance with 2 C.F.R. 200.321.

All District employees, officers, and agents who have purchasing authority shall abide by the standards of conduct covering conflicts of interest and governing the actions of its employees, officers, and agents engaged in the selection, award, and administration of contracts as established in Policy 1129, Policy 3129, and Policy 4129 – Conflict of Interest.

The District will avoid acquisition of unnecessary or duplicative items. Additionally, consideration shall be given to consolidating or breaking out procurements to obtain a more economical purchase. And, where appropriate, an analysis shall be made of lease versus purchase alternatives, and any other appropriate analysis to determine the most economical approach. These considerations are given as part of the process to determine the allowability of each purchase made with Federal funds.

To foster greater economy and efficiency, the District may enter into State and local intergovernmental agreements where appropriate for procurement or use of common or shared goods and services.

#### **Competition**

All procurement transactions for the acquisition of property or services required under a Federal award paid for from Federal funds or District matching funds shall be conducted in a manner that encourages full and open competition and that is in accordance with good administrative practice and sound business judgment. In order to promote objective contractor performance and eliminate unfair competitive advantage, the District shall exclude any contractor that has developed or drafted specifications, requirements, statements of work, or invitations for bids or requests for proposals from competition for such procurements.

Some of the situations considered to be restrictive of competition include, but are not limited to, the following:

- A. unreasonable requirements on firms in order for them to qualify to do business
- B. unnecessary experience and excessive bonding requirements
- C. noncompetitive pricing practices between firms or between affiliated companies
- D. organizational conflicts of interest
- E. specification of only a "brand name" product instead of allowing for an "or equal" product to be offered and describing the performance or other relevant requirements of the procurement
- F. any arbitrary action in the procurement process

Further, the District does not use statutorily or administratively imposed State, local, or tribal geographical preferences in the evaluation of bids or proposals, unless (1) an applicable Federal statute expressly mandates or encourages a geographic preference; or (2) the District is contracting for architectural and engineering services, in which case geographic location may be a selection criterion provided its application leaves an appropriate number of qualified firms, given the nature and size of the project, to compete for the contract.

To the extent that the District uses a pre-qualified list of persons, firms, or products to acquire goods and services that are subject to this policy, the pre-qualified list includes enough qualified sources as to ensure maximum open and free competition. The District allows vendors to apply for consideration to be placed on the list annually.

The District shall require that all prequalified lists of persons, firms, or products which are used in acquiring goods and services are current and include enough qualified sources to provide maximum open and free competition. The District shall not preclude potential bidders from qualifying during the solicitation period.

**Solicitation Language (Purchasing Procedures)**

The District shall have written procurement procedures that require that all solicitations made pursuant to this policy incorporate a clear and accurate description of the technical requirements for the material, product, or service to be procured. Such description shall not, in competitive procurements, contain features which unduly restrict competition. The description may include a statement of the qualitative nature of the material, product, or service to be procured and, when necessary, shall set forth those minimum essential characteristics and standards to which it shall conform if it is to satisfy its intended use. Detailed product specifications should be avoided if at all possible.

When it is impractical or uneconomical to make a clear and accurate description of the technical requirements, a "brand name or equivalent" description may be used as a means to define the performance or other salient requirements of procurement. The specific features of the named brand which shall be met by offers shall be clearly stated; and identify all requirements which the offerors shall fulfill and all other factors to be used in evaluating bids or proposals.

The Board will not approve any expenditure for an unauthorized purchase or contract.

**Procurement Methods**

The District shall have and use documented procedures, consistent with the standards described for the following methods of procurement:

A. Informal Procurement Methods

1. Micro-purchases

Procurement by micro-purchase is the acquisition of supplies or services, the aggregate dollar amount of which does not exceed ~~\$4,999.99~~ ~~\$10,000~~. To the maximum extent practicable, the District should distribute micro-purchases equitably among qualified suppliers. Micro-purchases may be made without soliciting competitive quotations if Superintendent considers the price to be reasonable based on research, experience, purchase history or other relevant information and documents filed accordingly. The District shall maintain evidence of this reasonableness in the records of all purchases made by this method.

2. Small Purchases

Small purchases include the acquisition of property or services, the aggregate dollar amount of which is higher than the micro-purchase threshold but does not exceed the simplified acquisition threshold of ~~\$10,000.00~~ ~~4,999.99~~. Small purchase procedures provide for relatively simple and informal procurement methods for securing services, supplies, and other property that does not exceed the competitive bid threshold of ~~\$50,000.00~~ ~~4,999.99~~. Small purchase procedures require that price or rate quotations

**shall be obtained from an adequate number of qualified sources.**

**B. Formal Procurement Methods**

When the value of the procurement for property or services under a Federal award exceeds the simplified acquisition threshold, or a lower threshold established by the State, formal procurement methods are required. Formal procurement methods require following documented procedures. Formal procurement methods also require public advertising unless a non-competitive procurement method can be used in accordance with the standards on competition in 200.319 or non-competitive procurement. The formal methods of procurement are:

**1. Sealed Bids**

Sealed, competitive bids shall be obtained when the purchase of, and contract for, single items of supplies, materials, or equipment which amounts to \$~~50,000.00~~**25,000** or greater and when the Board determines to build, repair, enlarge, improve, or demolish a school building/facility the cost of which will exceed \$~~50,000.00~~**25,000**.

In order for sealed bidding to be feasible, the following conditions shall be present:

- a. a complete, adequate, and realistic specification or purchase description is available;
- b. three (3) or more responsible bidders are willing and able to compete effectively for the business; and
- c. 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.

When sealed bids are used, the following requirements apply:

- a. Bids shall be solicited in accordance with the provisions of State law and Policy 6320. Bids shall be solicited from **an adequate number**~~three (3) or more sources~~ of qualified suppliers, providing sufficient response time prior to the date set for the opening of bids. The invitation to bid shall be publicly posted.
- b. The invitation for bids will include product/contract specifications and pertinent attachments and shall define the items and/or services required in order for the bidder to properly respond.
- c. All bids will be opened at the time and place prescribed in the invitation for bids; bids will be opened publicly.
- d. A firm fixed price contract award will be made in writing to the lowest responsive and responsible bidder. Where specified in bidding documents, factors such as discounts, transportation cost, and life cycle costs shall be considered in determining which bid is lowest. Payment discounts may only be used to determine the low bid when prior experience indicates that such discounts are usually taken.
- e. The Board reserves the right to reject any or all bids for sound documented reason.

**2. Proposals**

Procurement by proposals is a method in which either a fixed price or cost-reimbursement type contract is awarded. Proposals are generally used when conditions are not appropriate for the use of sealed bids or in the case of a recognized exception to the sealed bid method.

If this method is used, the following requirements apply:

- a. Requests for proposals shall be publicly posted and identify all evaluation factors and their relative importance. Any response to the publicized requests for proposals shall be considered to the maximum extent practical.
- b. Proposals shall be solicited from **an adequate number of three (3) or more** sources.
- c. The District shall use its written method for conducting technical evaluations of the proposals received and for selecting recipients.
- d. Contracts shall be awarded to the responsible firm whose proposal is most advantageous to the program, with price and other factors considered.

The District may use competitive proposal procedures for qualifications-based procurement of architectural/engineering (A/E) professional services whereby competitors' qualifications are evaluated and the most qualified competitor is selected, subject to negotiation of fair and reasonable compensation. The method, where price

is not used as a selection factor; can only be used in procurement of A/E professional services. It cannot be used to purchase other types of services through A/E firms are a potential source to perform the proposed effort.

### 3. Noncompetitive Procurement

Procurement by noncompetitive proposals allows for solicitation of a proposal from only one source and may be used only when one or more of the following circumstances apply:

- a. micro-purchases
- b. the item is available only from a single source
- c. the public exigency or emergency for the requirement will not permit a delay resulting from publicizing a competitive solicitation
- d. the Federal awarding agency or pass-through entity expressly authorizes noncompetitive proposals in response to a written request from the District
- e. after solicitation of a number of sources, competition is determined to be inadequate

### **Domestic Preference for Procurement**

As appropriate and to the extent consistent with law, the District shall, to the extent practicable under a Federal award, provide a preference for the purchase, acquisition, or use of goods, products, or materials produced in the United States. Such requirements shall be included in all subawards including all contracts and purchase orders for work or products under the Federal award.

### **Contract/Price Analysis**

The District shall perform a cost or price analysis in connection with every procurement action in excess of \$250,000.00, including contract modifications. A cost analysis generally means evaluating the separate cost elements that make up the total price, while a price analysis means evaluating the total price, without looking at the individual cost elements.

The method and degree of analysis is dependent on the facts surrounding the particular procurement situation; however, the District shall come to an independent estimate prior to receiving bids or proposals.

When performing a cost analysis, the District shall negotiate profit as a separate element of the price. To establish a fair and reasonable profit, consideration is to be given to the complexity of the work to be performed, the risk borne by the contractor, the contractor's investment, the amount of subcontracting, the quality of its record of past performance, and industry profit rates in the surrounding geographical area for similar work.

### **Time and Materials Contracts**

The District uses a time and materials type contract only (1) after a determination that no other contract is suitable; and (2) if the contract includes a ceiling price that the contractor exceeds at its own risk. Time and materials type contract means a contract whose cost to the District is the sum of the actual costs of materials, and direct labor hours charged at fixed hourly rates that reflect wage, general and administrative expenses, and profit.

Since this formula generates an open-ended contract price, a time-and-materials contract provides no positive profit incentive to the contractor for cost control or labor efficiency. Therefore, the District sets a ceiling price for each contract that the contractor exceeds at its own risk. Further, the District shall assert a high degree of oversight in order to obtain reasonable assurance that the contractor is using efficient methods and effective cost controls.

### **Suspension and Debarment**

The District will award contracts only to responsible contractors possessing the ability to perform successfully under the terms and conditions of the proposed procurement. All purchasing decisions shall be made in the best interests of the District and shall seek to obtain the maximum value for each dollar expended. When making a purchasing decision, the District shall consider such factors as (1) contractor integrity; (2) compliance with public policy; (3) record of past performance; and (4) financial and technical resources.

The Superintendent shall have the authority to suspend or debar a person/corporation, for cause, from consideration or award of further contracts. The District is subject to and shall abide by the nonprocurement debarment and suspension regulations implementing Executive Orders 12549 and 12689, 2 C.F.R. Part 180.

Suspension is an action taken by the District that immediately prohibits a person from participating in covered transactions and transactions covered under the Federal Acquisition Regulation (48 C.F.R. chapter 1) for a temporary period, pending completion of an



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6530 - **REEMPLOYMENT ASSISTANCE**

The School Board recognizes that it has a responsibility to comply fully with statutes pertaining to the State of Florida's **Reemployment**~~Unemployment~~ Compensation Tax. Accordingly, the required quarterly reports shall be submitted to the Internal Revenue Service, Social Security Administration, and the State of Florida Department of Economic Opportunity to ensure said statutory compliance by the fifth working day following the end of the quarter.

When an employee applies for **reemployment** ~~unemployment~~ compensation, the Office of Risk Management may investigate and provide documentation to the Florida Department of Economic Opportunity that will enable the Department to approve or deny the benefit.

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Last Modified by Kendra Sittig on April 21, 2022

Book	Policy Manual
Section	Revised Volume 22 No. 2
Title	BONDING
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Adopted	June 13, 2017

#### 8740 - **BONDING**

The School Board recognizes that prudent trusteeship of the resources of this District dictate that employees responsible for the safekeeping of District monies and property be bonded or insured.

~~The District shall be indemnified against loss of money and property by bonding of employees holding the positions and in the amounts determined by the Board.~~

All other employees handling money shall be covered under a blanket bond or crime policy in an amount determined by the Board.

The Board shall bear the cost of bonding /insuring each employees ~~required to be bonded by this policy covered by the bond or insurance policy.~~

Fla. Const. Art.II, s.5; F.S. 1001.42, 1010.07

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Legal                      F.S. 1001.42  
                                    F.S. 1010.40  
                                    F.S. 1010.41

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