

PURCHASING

All purchasing for the school system to be paid from Livingston Parish School Board funds shall be made by the Superintendent or his/her designee in conformance with existing regulations and procedures of the School Board and the laws pertinent to state and federal agencies. Budget allocations for specific purposes shall constitute advance School Board approval for all purchases except in such cases as state law or School Board policy may require. No debt shall be contracted in the name of the Livingston Parish School Board without action by the School Board, except those items which are provided for in the regular budget. Purchases shall be made at the lowest possible cost to the school system consistent with the system specifications of quality and service.

Each principal shall assure that purchases by the individual school shall be made in accordance with administrative regulations and procedures developed by the Superintendent and staff and the laws pertinent to state and federal agencies.

No employee, officer or agent of the Livingston Parish School Board shall participate in the selection, award, or administration of a contract or purchase of supplies, materials and equipment if a conflict of interest, real or apparent, would be involved. Livingston Parish School Board employees shall neither solicit nor accept gratuities, favors or anything of monetary value from contractors, potential contractors, or parties to subagreements. All purchasing shall comply with the U.S. Department of Education Department *General Administrative Regulations* (EDGAR), the *Louisiana Public Bid Law*, the *Louisiana Code of Governmental Ethics*, the *Louisiana Procurement Code*, and applicable state or federal regulations, as applicable.

PROCUREMENT METHOD

Depending on the funding source and purchase amount, the following procurement methods shall be used:

Procurement Methods	Federal Requirement Uniform Grants Guidance Section 200.320	State Requirement Title 38 La. Bid Law R.S. 38:2212.1	State Requirement Title 39 La. Procurement Code R. S. 39:1551-1736	Action required
Micro Purchases (new method)	Purchases less than \$3,500 per Federal Acquisition Regulations at 48 CFR 2.101** No competitive process required.	Purchases less than \$1,000 No competitive process required.	Purchases less than \$5,000 No competitive process required.	Title 38 - Follow more restrictive state requirement. Title 39 - Follow more restrictive federal requirement.
Small Purchases	\$3,500 - \$150,000 Price or rate	\$1,000 - \$10,000 3 or more quotes	Purchases less than \$5,000	Title 38 - Follow more restrictive state requirement.

(informal)	quotation from adequate number of qualified sources.	suggested but not required.	No competitive process required.	Title 39 - Follow more restrictive federal requirement.
		\$10,000 - \$30,000	\$5,000 - \$15,000	Title 38 and Title 39 Align with federal requirement.
		Solicit 3 or more quotes.	Solicit 3 or more quotes.	
			\$15,000 - \$25,000	Title 39 - Follow more restrictive state requirement.
	Solicit 5 or more quotes.			
Sealed Bids (formal advertising)	Exceeding \$150,000 Publicly bid and award to lowest responsible bidder.	Materials and Supplies Exceeding \$30,000 Public Works Exceeding \$152,400 Publicly bid and award to lowest responsible bidder.	Exceeding \$25,000 Refer to LA Procurement Code (R.S. 39:1551-1736)	Title 38 - Follow more restrictive state requirements for materials and supplies; use more restrictive federal requirements for public works. Title 39 - Follow more restrictive state requirements.
Competitive Proposals	Exceeding \$150,000 Request for Proposal from adequate number of sources; must have written method for selecting recipients.	Materials and Supplies Exceeding \$30,000 Public Works Exceeding \$152,400 Publicly bid and award to lowest responsible bidder.	Exceeding \$25,000 Refer to LA Procurement Code (R.S. 39:1551-1736)	Follow more restrictive state requirements.
Noncompetitive Proposals – Sole Source Purchases	Sole source purchases are appropriate only under the circumstances listed below. These circumstances must be adequately documented.			
	<ol style="list-style-type: none"> 1. The item procured is only available from a single source; 2. The purchase is in response to a public emergency that will not permit a delay resulting from the competitive process; 3. The purchase is expressly authorized by awarding or pass-through agency in response from the School Board; or 4. After soliciting a number of sources competition is deemed inadequate. Process must be adequately documented. 			
Note:	** Refer to 48 CFR Subpart 2.101 to identify the current micro-purchase threshold designated by the Federal Acquisition Regulations (FAR) which is subject to adjustment due to inflation.			

The School Board may choose by resolution to adopt the *Louisiana Procurement Code* in part or in its entirety. The School Board may also purchase from vendors with state contracts that have been pre-approved by the *Office of State Procurement (OSP)*.

USE OF FEDERAL FUNDS

Procurement of materials and supplies made when using federally generated funds shall follow the appropriate procurement method as summarized in the above chart.

Solicitations from Small and Minority Businesses, Women's Business Enterprises, and Labor Surplus Area Firms

When spending federal funds, the Livingston Parish School Board shall take all necessary affirmative steps to assure that minority businesses, women's business enterprises, and labor surplus area firms are used when possible. Affirmative steps shall include:

1. Placing qualified small and minority businesses and women's business enterprises on solicitation lists;
2. Assuring that small and minority businesses, and women's business enterprises are solicited whenever they are potential sources;
3. Dividing total requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation by small and minority businesses and women's business enterprises;
4. Establishing delivery schedules, where the requirement permits, which encourage participation by small and minority businesses and women's business enterprises;
5. Using the services and assistance, as appropriate, of such organizations as the Louisiana Economic Development Agency, and Small Business Administration and the Minority Business Development Agency of the United States Department of Commerce; and
6. Requiring the prime contractor, if subcontracts are to be let, to take the affirmative steps listed in paragraphs 1 through 5 of this section.

Exclusion or Rejection of Quotes or Bids

A contract award or a purchase made with federal funds shall not be made to parties listed on the government-wide exclusions in the *System for Award Management* maintained by the U.S. Government, which contains the names of parties debarred, suspended, or otherwise excluded by agencies, as well as parties declared ineligible under statutory or regulatory authority.

USE OF STATE FUNDS

Procurement of materials and supplies when using state or locally generated funds shall follow the procurement method as summarized in the above chart. As noted in the chart, the procurement method may be dependent on whether the School Board has adopted the provisions of Title 38 or Title 39 of the Louisiana Statutes as it pertains to the actual purchase.

Financing Purchases

The School Board may finance the purchase of equipment or other movable property to be used by the School Board by entering into an installment sale, lease, or similar agreement with any lender or other person. Such agreement shall be subject to approval of the State Bond Commission in accordance with statutory provisions. No individual school or employee shall obligate the School Board without proper school system personnel knowledge and approval.

Use of State Contract

If equipment, materials or supplies are available from a State of Louisiana Contract, the Superintendent and/or his/her designee may approve the purchase without using one of the purchasing procedures outlined in statutory provisions, if advantageous to the School Board.

The School Board may also *piggyback*, or purchase materials and supplies on valid contracts of other political subdivisions. In doing so, the School Board shall obtain documentation from the other agency that clearly demonstrates the contract was previously bid and is a viable contract. The price paid by the School Board shall be the same as the contract's bid price.

Louisiana Procurement Code

State law authorizes School Boards to adopt all or any part of the *Louisiana Procurement Code* as contained in state statutes (La. Rev. Stat. Ann. '39:1551-39:1755). For proper and efficient operations, the Livingston Parish School Board may adopt, by resolution or otherwise, pertinent provisions of the *Louisiana Procurement Code*, accompanying administrative regulations as promulgated in the *Louisiana Procurement Code*, as well as guidelines and policies issued by the state's Office of State Purchasing relevant to the procurement of materials, supplies, merchandise, and other types of property.

Sole Source Provider

The School Board may award a contract for the purchase of supplies, services, or major repairs without competition when the Superintendent or designated employee has determined, in writing, that there is only one source for the supply, service, or major repair item(s) to be acquired. The following rules and regulations shall apply to and govern all sole source procurement for the Livingston Parish School Board unless emergency conditions exist:

1. For used products, equipment or structures the School Board may procure such items where the Superintendent has determined that the procurement of said item is cost effective to the School Board and an equivalent item proposed for purchase is not available through a competitive bidding process such that letting bids would

constitute a vain and useless act.

2. The determination as to whether a procurement shall be made as a sole source shall be made by the Superintendent or his designee. Such determination shall be in writing. In cases of reasonable doubt, competition should be solicited. Any request that a procurement be restricted to one potential contractor shall be accompanied by an explanation as to why no other will be suitable or acceptable to meet the need.
3. With respect to such purchases, the Superintendent shall certify in writing to the School Board all of the following:
 - A. The price for which the used product, equipment or structure may be obtained;
 - B. A statement that the maintenance and repair of the product, equipment or structure is unlikely to be any more onerous or expensive than the purchase of new such items, taking into account the cost of the used items.
 - C. An equal product, equipment or structure cannot be obtained through a competitive bid process because of the circumstances surrounding the purchase.
 - D. The circumstances surrounding the purchase demonstrating that the procurement of an equivalent product, equipment or structure cannot be accomplished through a competitive bid process.
4. The purchase shall be voted upon, authorized and approved by the Livingston Parish School Board at a regular or special meeting noticed pursuant to State Law.
5. A record of any item procured under these rules and regulations shall be maintained that lists:
 - A. Each contractor's name;
 - B. The amount and type of each purchase;
 - C. A listing of the product, equipment or structure procured;
 - D. The identification number of each contract file.
6. The record of each procurement prepared under Subsection (4) shall be submitted to the Legislative Auditor annually.

Qualified Group Purchasing Organizations

A qualified group purchasing organization means an organization, whether for profit or not for profit, of which two (2) or more public school districts are members and which

solicits proposals or bids from vendors of services, materials, equipment, or supplies of the type and nature as may be purchased by a public school district or public school.

The School Board may enter into an agreement with: (A) one or more School Boards to form a qualified group purchasing organization; or (B) one or more qualified group purchasing organizations for the purchase of services, materials, equipment, and supplies, including installation thereof. Any such agreement shall require that the qualified group purchasing organization submit a price list for those materials and supplies offered by it and that the prices quoted on the list remain in effect for a stated period of time of not less than three (3) months. Any such price list shall be considered, for all purposes, to be a valid and binding bid by the qualified group purchasing organization during the effective period of the agreement, and no additional bid by the qualified group purchasing organization is necessary.

The School Board may purchase equipment from a qualified group purchasing organization if the price for such equipment is less than that for the same or substantially similar equipment on the state bid list.

Competitive Online Solicitation

The School Board may use a *reverse auction* or *competitive online solicitation process* on the Internet for the purchase of equipment, supplies, and other materials in lieu of the more formal bid process when the School Board's procurement officer determines that the electronic bidding is more advantageous and in the best interests of the School Board.

Prior to the use of a competitive online solicitation process, the School Board may require that:

1. Vendors register before opening dates and time, and as part of the registration, require that the vendors agree to any terms and conditions and other requirements of the solicitation.
2. Vendors be prequalified prior to placing bids and allow only bidders who are prequalified to submit bids.
3. The solicitation shall designate an opening date and time and the closing date and time. The closing date and time may be fixed or remain open depending on the structure of the item being bid.
4. At the opening date and time, the School Board shall begin accepting online bids and continue accepting bids until the bidding is officially closed. Registered bidders shall be allowed to lower the price of their bid below the lowest bid posted on the Internet until the closing date and time.
5. Bidders' identities shall not be revealed during the bidding process; only the

successively lower prices, ranks, scores, and related bid details shall be revealed.

6. All bids shall be posted electronically and updated on a real-time basis.
7. The School Board shall retain the right to cancel the solicitation if it determines that it is in the School Board's best interest.
8. The School Board shall retain its existing authority to determine the criteria that will be used as a basis for making awards.

Adequate public notice for purchases using a reverse auction or competitive online solicitation process shall be given as follows:

1. The advertisement or notice shall be published two (2) times in a newspaper in the locality, the first advertisement to appear at least fifteen (15) days before the opening date of the reverse auction. In addition to the newspaper advertisement, the School Board may also publish an advertisement by electronic media available to the general public.
2. The first publication of the advertisement shall not occur on a Saturday, Sunday, or legal holiday.

VENDORS

The School Board shall seek business and bids from all eligible vendors, regardless of race, creed, color, sex, national origin, age or handicap. No favoritism shall be extended to any vendor. Each order shall be placed on the basis of quality, price and delivery; past services being a factor if all other considerations are equal.

No person officially connected with or employed by the School Board shall be an agent for, or have any pecuniary or beneficial interest in or receive any compensation or reward from any vendor for the sale of supplies, materials, equipment, services or public works contracts.

No employee of the School Board shall solicit or accept, directly or indirectly, anything of economic value as a gift or gratuity from any vendor representative or agent of a vendor, or a prospective vendor or contractor.

Vendors may set up an appointment to see the principal with written prior approval from the Superintendent. The principal may present the information to the appropriate staff member. If the staff member wishes to set up an appointment with the vendor to discuss products offered, he or she may do so.

Revised: October, 2011
Revised: January 5, 2012
Revised: September, 2016
Revised: August 17, 2017

Ref: 2 CFR 200 (*Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards*), 48 CFR 2.101 (*Definitions*); La. Rev. Stat. Ann. §§33:4712.7, 38:2211, 38:2212, 38:2212.1, 38:2214, 38:2218, 38:2219, 38:2271, 39:1551, 39:1552, 39:1553, 39:1554, 39:1554.1, 39:1556, 39:1557, 39:1558, 39:1597, 39:1710; Board minutes, 7-7-11, 1-5-12, 8-17-17.