

## **Business and Non-Instructional Operations**

### **CONTRACTS**

The Superintendent or designee may enter into contracts on behalf of the district. All contracts must be approved and/or ratified by the Board. (Education Code 17604)

- (cf. 3300 Expenditures / Expending Authority)
- (cf. 3314 Payment for Goods and Services)
- (cf. 3400 Management of District Assets / Accounts)

All contracts between the district and outside agencies shall conform to standards required by law and shall be prepared under the direction of the Superintendent or designee.

- (cf. 2121 Superintendent's Contract)
- (cf. 4312.1 Contracts)
- (cf. 9124 Attorney)

When required by law, contracts and subcontracts made by the district for public works or for goods or services shall contain a nondiscrimination clause prohibiting discrimination by contractors or subcontractors. The nondiscrimination clause shall contain a provision requiring contractors and subcontractors to give written notice of their obligations to labor organizations with which they have a collective bargaining or other agreement. (Government Code 12990)

- (cf. 0410 Nondiscrimination in District Programs and Activities)

The District shall not enter into a contract that prohibits a school employee from disparaging the goods or services of the contracting party. (Education Code 35182.5)

#### **Contracts for Non-Nutritious Foods or Beverages**

Effective July 1, 2007, the district or a district school shall not enter into or renew a contract for the sale of foods that do not meet the nutritional standards specified in Education Code 49431 or 49431.2 unless the contract specifies that such sales will occur later than one-half hour after the end of the school day and/or off school premises. (Education Code 49431, 49431.2)

- (cf. 3554 Other Food Sales)

In accordance with the dates specified in law, the district or a district school shall not enter into or renew a contract for the sale of beverages that do not meet the nutritional standards in Education Code 49431.5 unless the contract specifies that such sales will occur than one-half hour after the end of the school day and/or off school premises.

Before the district or a district school enters into or renews a contract that grants exclusive or non-exclusive advertising or sale of carbonated beverages, non-nutritious beverages, or non-nutritious food as defined in

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law, the Board shall ensure that the district has sufficient internal controls in place to protect the integrity of public funds and to ensure that funds raised as a result of the contract benefit public education. (Education Code 35182.5)

The Superintendent or designee shall develop the district's internal control procedures to protect the integrity of public funds.

**Legal Reference:**

EDUCATION CODE

200-262.4 Prohibition of discrimination on the basis of sex  
14505 Provisions required in contracts for audits  
17595-17606 Contracts  
35182.5 Contract prohibitions  
45103.5 Contracts for management consulting service related to food service  
49431-49431.5 Nutritional standards

CIVIL PROCEDURES CODE

685.010 Rate of interest

GOVERNMENT CODE

12990 Nondiscrimination and compliance employment programs  
53260 Contract provision re maximum cash settlement  
53262 Ratification of contracts with administrative officers

LABOR CODE

1775 Penalties for violations  
1810-1813 Working hours

PUBLIC CONTRACT CODE

4100-4114 Subletting and subcontracting fair practices  
7104 Contracts for excavations; discovery of hazardous waste  
7106 Non-collusion affidavit  
20111 Contracts over \$50,000; contracts for construction; award to lowest responsible bidder  
20104.50 Construction Progress Payments  
22300 Performance retentions

UNITED STATES CODE, TITLE 20

1681-1688 Title IX, discrimination

MANAGEMENT RESOURCES:

CSBA PUBLICATIONS:

*Student Wellness: A Healthy Food and Physical Activity Policy Resource Guide, rev. 2005*

WEB SITES:

CSBA: <http://www.csba.org>

California Association of School Business Officials: <http://www.casbo.org>

Policy adopted: **May 9, 2006**      **FRUITVALE SCHOOL DISTRICT**, Bakersfield, CA

*(Reviewed December, 2011)*