

 Meadows Arts and Technology Elementary School	Contracts Policy	
	Last Reviewed/Revised: 02/16/2016 Revised	Effective Date: 08/10/2009
Reference Number: BO-CON-02162016	Original Author: MATES Board	Policy Status: Active

PURPOSE:

In order to ensure transparency and the prudent expenditure of public funds, the Board of Directors (“Board”) of Meadows Arts and Technology Elementary School (“MATES”) shall develop policies that vet, award and execute contracts in an objective manner and in accordance with law. Equipment, supplies, and services shall be purchased using processes that comply with law, ethical practices and serve the educational goals of the school.

SCOPE:

This policy applies to MATES Board Members, Executive Director and employees and governs their actions related to contracts and purchasing.

GENERAL POLICY STATEMENT:

The MATES board shall define policies governing the rights and responsibilities of the Board and others to enter into agreements that are enforceable against MATES.

POLICY DETAILS:

1. CONTRACT AUTHORITY AND GUIDELINES

- 1.1. The Board shall not enter into or renew a contract until parents/guardians, students, and members of the public have had an opportunity to comment on the contract at a public hearing held during any scheduled board meeting. The Board shall clearly, and in a manner recognizable to the general public, identify in the agenda the contract to be discussed at the meeting.
- 1.2. The contract shall be accessible to the public and may not include a confidentiality clause that would prevent MATES from making any part of the contract public.
- 1.3. Authorization to Enter into Contracts
 - 1.3.1. The Board is the sole agency authorized to execute and ratify formal contracts between MATES and any firm or person offering to provide materials, equipment or services to MATES.
 - 1.3.2. The Board delegates the power to execute contracts to the Executive Director or designee. The delegation authority is limited to contracts that bind MATES to a financial obligation no greater than \$5,000 (“five thousand dollars over the lifetime of the contract).
 - 1.3.3. To be valid or to constitute an enforceable obligation against MATES, all contracts must be approved and/or ratified by the Board. Creditors are on notice that the Board may choose not to honor contracts made without proper authorization by designated school or other officials.
 - 1.3.3.1. Contracts for amounts less than \$5,000 can be executed by the Executive Director and ratified by the Board as part of the Consent Agenda at a subsequent Board meeting.

- 1.3.3.2. Contracts for greater than \$5,000 should be reviewed as an information item by the Board in a Board Meeting prior to the Board meeting at which the contract is ratified.
 - 1.3.4. No contract requiring the expenditure of funds may be agreed upon unless the budget resolution adopted pursuant to Board policy authorizes the expense and there is a sufficient unencumbered balance to pay the amount to be disbursed.
- 1.4. Contract Forms
 - 1.4.1. All contracts between MATES and outside agencies shall conform to standards required by law and shall be prepared under the direction of the Board or designee.
 - 1.4.2. When required by law, contracts and subcontracts made by MATES shall contain a nondiscrimination clause prohibiting discrimination by contractors or subcontractors.
 - 1.4.3. Any contract forms developed for use by MATES must be reviewed by a qualified attorney.
- 1.5. Continuing Contracts
 - 1.5.1. Continuing contracts, including lease purchase contracts, installment purchase contracts, and straight leases, provide flexibility to meet the MATES' needs within its financial resources. The Board encourages the Executive Director and authorized employees to consider the viability of such options in making purchasing decisions as permitted by state law.
 - 1.5.2. Continuing contracts for work to be done, services to be performed, or for apparatus or equipment to be furnished, sold, built, installed, or repaired for MATES, or for materials or supplies to be furnished or sold to MATES may be made with an accepted vendor as follows: for work or services, or for apparatus or equipment, not to exceed five years; for materials or supplies, not to exceed three years.
 - 1.5.3. The following procedures and standards will be used in making decisions to enter continuing contracts:
 - 1.5.3.1. In addition to cash price bids, the MATES may solicit financing proposals from the equipment vendors or inform equipment vendors that the purchase of the equipment is contingent on obtaining satisfactory financing.
 - 1.5.3.2. The Executive Director or other designee will analyze the fiscal impact of any continuing contracts, including the amount of interest that will be paid and the useful life of the equipment or goods before entering into such a contract.
 - 1.5.3.3. Straight leases and financing services are subject to competitive bidding only if the cost exceeds the \$5,000 consent agenda approval guideline established by the Board.
 - 1.5.3.4. The Executive Director or designee will report to the Board on at least an annual basis on the overall debt load incurred through continuing contracts for goods and services (other than for employee salaries) which specifies the principal, interest paid and amount of outstanding obligations.
 - 1.5.3.5. Installment financing agreements with terms of more than one year should contain a funding out clause in the event funds no longer are available and should be reviewed by a qualified attorney.

2. PURCHASING AUTHORITY AND GUIDELINES

2.1. Goals of the Purchasing Function

2.1.1. The Board is committed to using its authority to purchase goods and services in a manner most likely to help students succeed. The Board, Executive Director and any other employees authorized to participate in purchasing decisions or the purchasing process will strive to meet the following goals:

2.1.1.1. Obtaining the maximum benefits from all school monies for students and to further the educational goals of the Board;

2.1.1.2. Conducting all purchasing activities according to applicable laws, rules and regulations, good purchasing practices and ethical principles;

2.1.1.3. Providing a climate of fair and open competition for all qualified vendors;

2.1.1.4. Requiring satisfactory and proper performance of all contractual obligations of vendors; and

2.1.1.5. Providing prompt and courteous service to governmental entities and vendors.

2.2. Ethics and the Purchasing Function

2.2.1. The Board is committed to conducting the purchasing function in an ethical manner. The Board's purchasing goals and principles will not be compromised by individuals motivated by personal gain.

2.2.2. MATES and its Board members, agents and employees are subject to the laws and Board policy governing conflicts of interest in furnishing supplies to the school and the use of confidential information.

2.2.3. No Board member, agent or MATES employee involved in the purchasing function will accept gifts, trips or meals from contractors, subcontractors or suppliers except gifts or favors of nominal value or meals furnished at banquets.

2.2.4. The cost estimate for any public contract is confidential prior to bidding or other competitive purchasing processes. The identity of contractors who have obtained proposals for bid purposes for a public contract is confidential until the bids are opened in public and recorded in the board minutes. Any employee who divulges confidential information to any unauthorized person will be subject to disciplinary action as dictated by Board policy.

2.2.5. The Executive Director or designee is responsible for ensuring that all affected personnel are aware of board policy requirements and applicable laws. Any individual aware of any violation of this policy or applicable laws should report such violation to the Executive Director, or, if it involves the Executive Director, to the Board President.

NON-COMPLIANCE TO POLICY:

Violations of this policy may result in the Board Member or employee being subject to disciplinary action in accordance with Board disciplinary policy and administrative regulations.

GOVERNANCE:

The MATES Board and Executive Director will be responsible for monitoring adherence to the policy.

REVIEW CYCLE:

The MATES Board will be responsible for reviewing the policy every two years or more frequently as required.

REVISION HISTORY:

<u>Policy Version:</u>	<u>Effective Date:</u>	<u>Revision:</u>
BO-CON-08102009	8/10/2009	Original Version
BO-CON-03152010	3/15/2010	Modify Review Cycle section to modify cycle from bi-annual to every two years.
BO-CON-05212012	5/21/2012	Reviewed and modified in accordance with review every two year requirement.
BO-CON-02182014	2/18/2014	Reviewed and modified in accordance with review every two year requirement.
BO-CON-02162016	2/16/2016	Reviewed in accordance with review every two year requirement. Change section 1.1 from regularly scheduled board meetings to any scheduled board meetings.