

**CLASSIFICATION: Business and Noninstructional  
Operations****ADOPTED: 7/21/72****REVISED: 3/22/01****SUBJECT: Purchasing and Contracting****PAGE: 1 of 11**

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The following regulation applies to the requisitioning and purchasing of supplies, equipment, and services for the County Superintendent of Schools to ensure maximum value is received for the funds spent and records are kept in accordance with state law and regulations of the State Board of Education.

The County Superintendent of Schools will maintain a centralized purchasing function in the Internal Business Services Section. All obligations for the purchase of supplies, equipment, and services shall be reviewed and incurred by the Purchasing/Contracts Unit of the Internal Business Services Section, as the official representative of the County Superintendent of Schools. Insofar as possible, supplies, equipment, and services purchased will meet the needs of the section or program ordering them, at the lowest price, consistent with standard purchasing practice. Maintenance, supply, and replacement costs, and trade-in values shall be considered when determining the most economical purchase price. Procedures and related forms shall be consistent with legal requirements, the Public Contract Code, the *California School Accounting Manual*, and sound school business practices.

The County Superintendent of Schools shall not enter into any contract with a person, agency, or organization if he/she has knowledge that such person, agency, or organization discriminates on the basis of race, religion, color, national origin, ancestry, physical disability, mental condition, age (over 40), or sex, either in employment practices or in the provision of benefits or services to students or employees.

#### FORMS AND CONTRACT DOCUMENTS

The following forms and contract documents are to be used by the section or program director initiating requests for supplies, equipment, or services.

##### Purchase Requisition (PR)

1. All requests for supplies, equipment, or services shall be initiated by an electronic PR approved by the requesting section or program director and forwarded to Purchasing/Contracts Unit for processing and issuance of a *Purchase Order*.

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2. All contracts are required to have an accompanying PR except those covered by a *Performance Agreement*, Form 173 (see page 3 for definition).

Purchase Order (P.O.)

1. All *Purchase Orders* will be issued by the Purchasing/Contracts Unit, Internal Business Services Section from information provided on the electronic PR.
2. Individuals shall not order supplies, equipment, or services, or make any commitment of the County Superintendent of Schools' funds without a P.O. All invoices received by the Accounts Payable Unit without a bona fide P.O. number shall be returned to the vendor.
3. A P.O. shall not be issued if there are insufficient funds in the account designated to be charged. If a deficiency in the designated account is to be corrected by a budget transfer, a *Budget Revision Request*, Form 28 shall be initiated by the section or program manager. It must be approved by the division assistant superintendent and shall be sent to the Internal Business Services Section.

Ordering of Office Supplies, Furniture, and Equipment

1. Requests for office supplies shall be accomplished by using the Stockless Supply System. Office supplies may be ordered by using the stockless supply order form available from the awarded vendor.
2. Furniture and equipment shall not be ordered using the stockless supply system form. Furniture and equipment may be ordered only from the standardized furniture list on a PR.

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PERFORMANCE AGREEMENT (INDIVIDUAL CONTRACTOR)

Determination of the nature of the employment relationship shall be made in accordance with Administrative Regulation No. 3312 prior to any services being performed and/or issuance of payment. A *Performance Agreement*, Form 173, is used to contract for the services of an individual who is determined to be an independent contractor. If the individual contractor is involved with a partnership, company, or corporation that will receive payment(s), a written and duly authorized contract is required for services in excess of five thousand dollars (\$5,000).

If a legal employment relationship exists, the individual must be paid on payroll. In such cases, Human Resources should be contacted for initiation of the hiring process.

CONTRACT DOCUMENTS

Contracts are used to request supplies, equipment, or services provided by a business entity (partnership, company, or corporation), contractor, school district, or other governmental organization. A contract should be in writing when warranted by the cost, task, or potential risk and for all relationships in excess of five thousand dollars (\$5,000). All contracts shall conform to the standards required by law. A standardized contract agreement is available from the Purchasing/Contracts Unit.

Contracts may be entered into as follows:

1. For work or services not to exceed five (5) years.
2. For materials or supplies not to exceed three (3) years.
3. For space leases not to exceed three (3) years unless specifically waived by the County Superintendent of Schools or his/her designee.
4. For leases or lease-purchases of personal property not to exceed ten (10) years.

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Contract Approval Routing Form

A contract routing form, Form 448, shall be used to obtain the signature of the contract originating manager and his/her assistant superintendent. The contract and the routing form shall then be sent to the Purchasing/Contracts Unit, which will complete the contract review and routing procedure, ensuring that both parties and the originator shall have finalized copies. All contracts shall be approved by the County Superintendent of Schools, or the Assistant Superintendent, Business Services Division, as his/her designee.

BIDS AND FORMAL COMPETITIVE BIDDING

Bids

Three (3) written bids or a sole source purchase form is required prior to the issuance of a P.O. whenever equipment or a public project (capital outlay) is requested exceeding two thousand five hundred dollars (\$2,500), or supplies and services exceeding ten thousand dollars (\$10,000). The three (3) written bids requirement may be obtained by the Purchasing/Contracts Unit or by the section or program manager.

The Purchasing/Contracts Unit may conduct the bidding or assist the section or program manager to conduct the bidding on required forms to ensure acceptable bids. Complex, costly, or formal competitive bids are to be conducted by the Purchasing/Contract Unit. The Purchasing/Contracts Unit shall determine the applicability of bidding to be done by the section or program manager.

Because of the potential for cost savings through competitive pricing, cooperative purchasing, formal competitive contracts, and the San Diego County Office of Education standardization, it is advantageous to first check with the Purchasing/Contracts Unit Supervisor before taking bids.

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### Formal Competitive Bidding

The County Superintendent of Schools shall purchase supplies, equipment, services, and Public Works Construction on a formal competitive bidding basis as required by state law. Care shall be taken to observe all statutory requirements for bidding procedures. In addition, the Purchasing/Contracts Unit Supervisor may solicit formal competitive bids whenever it appears to be in the best interest of the County Superintendent of Schools to do so.

To ensure that good value is received for funds expended, carefully designed specifications shall be provided to the Purchasing/Contracts Unit, Internal Business Services Section, providing descriptive detail regarding quantity, quality, delivery, and services required.

Whenever letting contracts exceeding the dollar limits established for school districts under Public Contract Code § 20111, the Purchasing/Contracts Unit Supervisor shall call for formal competitive bids. Formal bids require that the bid be in writing, advertised in a local newspaper of general circulation once a week for two (2) successive weeks; presented under sealed cover, with a closing date and time so specified; and that the bid be publicly read aloud thereafter. Unless otherwise authorized by state law, contracts shall be let to the lowest responsive, responsible bidder, or else all bids shall be rejected.

No project shall be split, or separated into smaller work orders, or projects for the purpose of evading competitive bidding described in the preceding paragraph.

When letting a contract for the lease, purchase, or maintenance of electronic data-processing systems or supporting software, the successful bidder may be chosen from one of the three (3) lowest responsive bidders.

### Exceptions to Bids and Formal Competitive Bidding

Purchases excluded from the requirement for written bids and formal competitive bidding include equipment and public projects that do not exceed two thousand five hundred dollars (\$2,500); supplies and services that do not exceed ten thousand dollars (\$10,000); textbooks, library books, films, audiovisual materials, test materials, workbooks, computer, software, periodicals; rental and lease of office space; television program rights; newspaper advertising; cost of training classes and workshops; postage and postage metering costs; utilities; travel

**SAN DIEGO COUNTY OFFICE OF EDUCATION**

**ADMINISTRATIVE  
REGULATION NO. 3310**

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services; perishable food and seasonal commodities; services from other governmental agencies; and consultant services for financial, economic, accounting, engineering, legal, and administrative matters.

Sole Source Purchases

Purchasing from sole source vendors precluding bids or formal competitive bidding will be allowed only if it can be fully justified. Justification would include, but is not limited to, a market search by the requester to determine that there are no other vendors available to provide the required supplies, equipment, or service.

A request to use a sole source vendor must be provided on the *Sole-Source Purchase Form* (see Exhibit 1). The request must be approved by the section or program manager and the division assistant superintendent, and submitted to the Purchasing/Contracts Unit, Internal Business Services Section, for processing.

Emergency Repairs

In an emergency when any repairs, alterations, work, or improvement is necessary to permit the continuance of the San Diego County Office of Education functions, existing school classes, or to avoid danger to life or property, the County Superintendent of Schools or his/her designee may enter into a contract for the performance of labor and furnishing of supplies, equipment, or services for this purpose without advertising for or inviting bids.

Request for Proposal (RFP)

A request for proposal may be used in those situations where it has been authorized by law or when formal competitive bidding is not required by statute. The San Diego County Office of Education need not choose the low monetary bidder, but may evaluate proposals based upon its needs and its determination of the best quality, services, functions, suitability, etc., for the price.

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### ARCHITECTURAL SERVICES

The County Superintendent of Schools or his/her designee shall authorize all initial contact with architects relative to construction or remodeling proposals in which architectural services are necessary. After the initial contact, the County Superintendent of Schools will designate a liaison for this purpose.

### PUPIL SAFETY

The San Diego County Office of Education shall take appropriate steps to protect pupils in the schools and programs operated by the County Superintendent of Schools. When initiating a contract for construction or contracted services, the section or program manager is responsible for enforcement of the Michele Montoya School Safety Act, assisted by the Purchasing/Contracts Unit of the Internal Business Services Section. All contracts and purchase requisitions for construction or contracted services must contain a statement about the level of contact with pupils which will be either "limited contact" or "greater than limited contact" as determined by the section or program manager. No work can commence until the requirements of the Act have been met satisfactorily.

#### Determination of "Limited Contact" v. "Greater than Limited Contact"

Prior to the bidding and/or award of a contract or processing of a purchase requisition, the section or program manager shall determine the contractor's/consultant's level of contact with pupils. The section or program manager shall consider the totality of the circumstances of the contract on a case-by-case basis using factors such as:

1. Length of time contractor's employees are on school grounds.
2. Whether pupils will be in proximity to the contractor's worksite.
3. Whether contractors will be working by themselves or with others.

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Construction Services Contracts

Construction services as determined by Education Code, § 45125.2 are contracts or purchase requisitions for construction, reconstruction, rehabilitation, or repair of facilities.

If “limited contact” with pupils is determined by the section or program manager for construction services, the determination must be included in the written contract or purchase requisition. The contractor must do all of the following to protect pupils:

1. Check in with the site office each day immediately upon arrival.
2. Inform the site office of their proposed activities and their location at the site.
3. Notify the site office of all location changes.
4. Not allow employees to use student restroom facilities.
5. Immediately contact the site office and request a member of the site staff be assigned to the work location if an employee is found to be working alone with a pupil.

If “greater than limited contact” with pupils is determined for construction services by the section or program manager, the determination must be included in the written contract or purchase requisition. The contractor must use at least one of the following methods to protect pupils:

1. Install a physical barrier at the worksite.
2. Provide for continual supervision and monitoring of contractor’s employees by an employee of the contractor who has received fingerprint clearance from the California Department of Justice.
3. Provide for surveillance of contractor’s employees by San Diego County Office of Education employee(s).



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### Contracted Services Contracts

Contracted services are contracts or purchase requisitions with consultants or contractors for services, other than construction services, involving advice, training, and/or special services, other than supplies and equipment. As required by Education Code § 45125.1, the following contracted services require special attention when determining level of contact with students:

1. School and classroom janitorial/custodial
2. Schoolsite administrative
3. Schoolsite grounds and landscaping maintenance
4. Pupil transportation
5. Schoolsite food-related

If "limited contact" with pupils is determined for contracted services by the section or program manager, the determination must be included in the written contract or purchase requisition. The contractor may be required by the section or program manager to do one or more of the following to protect pupils:

1. Prohibit contractor and contractor's employees from using student restroom facilities,
2. Perform work when school is not in session,
3. Provide security patrols or supervision,
4. Restrict contractor's employees' access to site grounds, and/or
5. Provide badges or other visible means of contractor employee identification.

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If “greater than limited contact” with pupils is determined for contracted services by the section or program manager, the determination must be included in the written contract or purchase requisition. The consultant or contractor must do the following to protect pupils:

1. The contractor shall require their employees, including the employees of any subcontractor, who will provide services to submit their fingerprints in a manner authorized by the Department of Justice in order to conduct a criminal background check to determine whether the employees have been convicted of or have charges pending for a serious or violent felony as defined in Education Code § 45122.1.
2. The contractor shall not permit any employee to perform services under this contract until:
  - A. The Department of Justice has determined that the employee has not been convicted of a defined felony.
  - B. Contractor has certified in writing to the San Diego County Office of Education that the employer and all of its employees who may come in contact with pupils have not been convicted of or do not have charges pending for a defined felony.

#### Hold Harmless

The contractor shall defend, indemnify, protect and hold the San Diego County Office of Education and its agents, officers and employees harmless from and against any and all claims asserted or liability established for damages or injuries to any person or property which arise from or are connected with or are caused or claimed to be caused by contractor’s failure to comply with all of the requirements contained in Education Code § 45125.1.

#### Exemptions

Specified contracts and purchase requisitions for services performed in an emergency or exceptional situation, such as when pupil health or safety is endangered or when repairs are needed to make school facilities safe and habitable, may be exempt.

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ETHICS

The Purchasing/Contracts Unit subscribes to the *Standards of Purchasing Practice* as adopted by the California Association of Public Purchasing Officers (CAPPO).

See Exhibit 2.

No employee shall accept personal gifts, commissions, or expense-paid trips from individuals or companies selling supplies, equipment, or services required by the County Superintendent of Schools. Employees may accept promotional or advertising items such as calendars, desk pads, notebooks, and other office items of nominal value offered by businesses, free to all, as part of their public relations programs.

Board Policy: 3310

Derivation: Former Administrative Regulation No. 3420, Adopted 7/21/72, Amended 1/5/79, 12/31/84, 5/13/92, Amended, Renamed, and Renumbered 9/13/95, Amended 9/9/97, 3/22/01, Technical Revision 7/9/03, 1/15/07, 3/28/08.

Legal Reference: Education Code  
1276, 38083, 41302.5, 45122.1, 45125.1, 45125.2  
Government Code  
12990, 53060  
Public Contract Code  
20111 - 20113, 20116, 20118, 20118.3  
California Code of Regulations, Title 2  
8107  
California Code of Regulations, Title 5  
17290 - 17292, 17300 et seq.

**San Diego County Superintendent of Schools**  
**SOLE-SOURCE PURCHASE FORM**

**BIDS FOR EXPENDITURES EXCEEDING \$2,500**

Administrative Regulation 3310 requires three (3) written bids for equipment or public project expenditures exceeding **\$2,500**, and for supplies and services exceeding **\$10,000**. If you do not have three (3) written bids, they can be obtained by the Purchasing/Contracts Unit. Please allow two (2) to four (4) weeks for bidding. Detailed specifications are required to obtain bids.

**FORMAL COMPETITIVE BIDS**

Formal competitive bids are required for Public Works/Construction Projects that exceed **\$15,000**, and for supplies, equipment, or services that exceed the threshold as adjusted by the State Superintendent of Public Instruction. Please contact the Purchasing/Contracts Unit for assistance with these bids.

**EXCEPTIONS TO BIDS AND FORMAL COMPETITIVE BIDDING**

Purchases **excluded** from the requirement for bids and formal competitive bidding include equipment purchases that do not exceed **\$2,500**, and supplies & service purchases that do not exceed **\$10,000**, textbooks, library books, films, audiovisual materials, test materials, workbooks, instructional computer software, periodicals, rental and lease of office space, television program rights, newspaper advertising, cost of training classes and workshops, postage and postage metering costs, utilities, travel services, perishable food and seasonal commodities, services from other governmental agencies, and consultant services for financial, economic, accounting, engineering, legal, and administrative matters.

**SINGLE-SOURCE PURCHASES**

Purchasing from a sole-source vendor precluding bids or formal competitive bidding will be allowed only if it can be fully justified. Justification would include, but is not limited to a market search by the requestor to determine that there are no other vendors available to provide the required supplies, equipment, or service.

The justification for use a sole-source vendor must be **filled out below**. Provide the vendor name, description of the item(s) to be purchased, and the justification. The request must then be approved by your manager, and your divisional assistant superintendent.

**SINGLE-SOURCE EXPLANATION:**

Req.#: \_\_\_\_\_ Vendor Name: \_\_\_\_\_ Amount: \$ \_\_\_\_\_

\_\_\_\_\_  
Section/Program Manager

\_\_\_\_\_  
Date

\_\_\_\_\_  
Assistant Superintendent

\_\_\_\_\_  
Date

\_\_\_\_\_  
Assistant Superintendent, Business Services

\_\_\_\_\_  
Date

**STANDARDS OF PURCHASING PRACTICE  
CALIFORNIA ASSOCIATION OF PUBLIC PURCHASING OFFICERS, INC.  
(CAPPO)**

- To regard public service as a sacred trust, giving primary consideration to the interest of the public agency that employs us.
- To purchase without prejudice, seeking to obtain the maximum value for each dollar expended.
- To avoid unfair practices, giving all qualified vendors equal opportunity.
- To honor our obligations and require that obligations to our public agency be honored.
- To accord vendor representatives courteous treatment, remembering that these representatives are important sources of information and assistance in solving our purchasing needs.
- To refuse to accept any form of commercial bribery, and prevent any appearance of so doing.
- To be receptive to counsel from our colleagues, and to cooperate with them to promote a spirit of teamwork and unity.
- To conduct ourselves with fairness and dignity, and to demand honesty and truth in the purchasing process.
- To strive for greater knowledge of purchasing methods and of the materials we purchase.
- To cooperate with all organizations and individuals involved in activities designed to enhance the development of the purchasing profession, remembering that our actions reflect on the entire purchasing profession.