



SCHOOL BOARD ACTION REPORT

DATE: Feb 26, 2018
FROM: Ms. Denise Juneau, Superintendent
LEAD STAFF: Craig Murphy, cemurphy@seattleschools.org
JoLynn Berge, Chief Financial Officer, jdberge@seattleschools.org

For Introduction: March 27, 2019
For Action: April 17, 2019

1. TITLE

Board Resolution 2018/19-8 in support of inter-local procurement agreements using United States government contracts.

2. PURPOSE

Board Resolution 2018/19-8 would grant the Superintendent the authority to delegate authority to District Procurement Management to enter into cost effective interlocal cooperative procurement agreements based on United States government contracts pursuant to the requirement of RCW 39.32.090. RCW 39.32.090 states, "Whenever authorized by ordinance or resolution of its legislative authority any political subdivision of the state shall have power to purchase supplies, materials, electronic data processing and telecommunication equipment, software, services, and/or equipment from or through the United States government without calling for bids, notwithstanding any law or charter provision to the contrary."

3. RECOMMENDED MOTION

I move that the School Board adopt Resolution No. 2018/19-8, as attached to this Board Action Report.

4. BACKGROUND INFORMATION

a. Background

In May 2018, the Washington State Auditor's Office ("SAO") issued a Management Letter to Seattle Public Schools (SPS) regarding the need to improve practices around interlocal cooperative procurement agreements. To use federal government procurement contracts without needing to validate and document alignment of legal requirements, and procurement thresholds, a Board resolution is required to authorize such activity. Without this resolution the District can't efficiently use U.S. government procurement contracts, as allowed by RCW 39.32.090. If a board resolution is passed, the District will revise the related Superintendent Procedure 6220SP-F Miscellaneous Contracts. This increases the procurement options the District can consider to best serve our students, staff and stakeholder community. This resolution was drafted to ensure that the District will be in full compliance with Washington law and receive the benefits of entering into interlocal cooperative agreements as part of its comprehensive approach to fiscally

responsible purchasing practices. Per the SAO, this recommendation only relates to the use of federal government procurement contracts.

Two examples where the District uses federal government procurements are technology purchases and access to emergency management type contracts, in the case of emergencies.

b. Alternatives

Not approving this request would likely result in an audit finding by the SAO if we continued with our current practice or we would forgo cost saving opportunities to partner with U.S. government agencies resulting in higher costs and longer procurement project leadtimes.

c. Research

In creating this resolution, the following Washington state law and District policy and procedures were reviewed:

RCW 39.34.030 Joint Powers;

RCW 39.26.060 Cooperative Purchasing;

RCW 39.32.090 Purchases by political subdivisions;

Board Policy 6220, Procurement;

Superintendent Procedure 6220SP.B, Definition of Terms, Different Types of Contracts; and

Superintendent Procedure 6220SP.F Miscellaneous Contracts.

5. FISCAL IMPACT/REVENUE SOURCE

There is no direct cost to the District to have the Board authorize the requested action by resolution. However, while an amount is indeterminate, it is assumed that not being able to use federal government procurements would mean some items would cost us more, and there definitely would be more work/staff costs for completing procurements that we would have used federal government contracts for.

Expenditure: One-time Annual Multi-Year N/A

Revenue: One-time Annual Multi-Year N/A

6. COMMUNITY ENGAGEMENT

With guidance from the District's Community Engagement tool, this action was determined to merit the following tier of community engagement:

Not applicable

Tier 1: Inform

Tier 2: Consult/Involve

Tier 3: Collaborate

7. EQUITY ANALYSIS

This was an audit recommendation. This item was not taken through the Racial Equity Analysis tool.

8. STUDENT BENEFIT

This ensures the District is utilizing its resources wisely to the benefit of students by reducing or avoiding costs which in turn allows for additional classroom investments.

9. WHY BOARD ACTION IS NECESSARY

Amount of contract initial value or contract amendment exceeds \$250,000 (Policy No. 6220)

Amount of grant exceeds \$250,000 in a single fiscal year (Policy No. 6114)

Adopting, amending, or repealing a Board policy

Formally accepting the completion of a public works project and closing out the contract

Legal requirement for the School Board to take action on this matter

Board Policy No. _____, [TITLE], provides the Board shall approve this item

Other: _____

10. POLICY IMPLICATION

Per Board Policy No. 6220, Procurement, the Board delegates to the Superintendent all other authority and responsibility for procurement within the budgets approved by the Board. The Superintendent may delegate such authority to procurement staff or other designees as the Superintendent deems appropriate. The Superintendent is authorized to develop procedures to implement this policy. We do not believe any changes are needed to this policy, but the related Superintendent Procedure, 622OSP F (use of Interlocal agreements) will need to be clarified.

11. BOARD COMMITTEE RECOMMENDATION

This motion was discussed at the Audit and Finance Committee meeting on March 18, 2019. The Committee reviewed the motion and moved it forward with a recommendation for approval by the full Board.

12. TIMELINE FOR IMPLEMENTATION

Upon approval of this motion, the District procurement team will formalize will revise Superintendent Procedure 6220SP-F and department processes. Estimating 60-90 days following Board approval.

13. ATTACHMENTS

- Board Resolution No. 2018/19-8 (For Approval)

**Seattle School District #1
Board Resolution**

Resolution No. 2018/19-8



A RESOLUTION of the Board of Directors of Seattle School District No. 1, King County, Seattle, Washington to grant the Superintendent the authority to delegate authority to District Procurement Management to enter into cost effective interlocal cooperative procurement agreements with the United States government.

WHEREAS, RCW 39.32.090 states, "Whenever authorized by ordinance or resolution of its legislative authority any political subdivision of the state shall have power to purchase supplies, materials, electronic data processing and telecommunication equipment, software, services, and/or equipment from or through the United States government without calling for bids, notwithstanding any law or charter provision to the contrary; and

WHEREAS, interlocal cooperative agreements are permitted by RCW 39.34.030 Joint Powers, RCW 39.26.060 Cooperative Purchasing, RCW 39.32.090 Purchases by political subdivisions, Board Policy 6220, and Superintendent Procedures 6220SP.B and 6220SP.F; and

WHEREAS, the District procurement team finds that interlocal cooperative agreements between Seattle School District and other government agencies or similar contract holders will be highly beneficial through efficiencies and potential savings to be realized; and

WHEREAS, this method of procurement is not a replacement for the District's competitive processes; it is an option to consider when evaluating procurement paths for the most common commodity and service purchases made by similar agencies locally, regionally, and nationally.

NOW THEREFORE, BE IT

RESOLVED, that the Seattle School Board of Directors has determined that the Superintendent may delegate authority to District Procurement Management to enter into cost effective U.S. Government based interlocal cooperative procurement agreements; and therefore be it further

RESOLVED, the School Board desires that this change will be accompanied by the implementation of a comprehensive Superintendent Procedure to support this activity; and therefore be it further

RESOLVED, that the District requirement for contracts over \$250,000.00 to be approved by the School Board of Directors is not impacted by this Resolution.

ADOPTED this _____ day of _____, 2019

Leslie Harris, President

Rick Burke, Vice-President

Zachary DeWolf, Director at Large

Jill Geary, Member

Eden Mack, Member

Betty Patu, Member

Scott Pinkham, Member

ATTEST: _____
Ms. Denise Juneau, Superintendent
Secretary, Board of Directors
Seattle School District No. 1
King County, WA