



SCHOOL BOARD ACTION REPORT

DATE: February 22, 2021
FROM: Denise Juneau, Superintendent
LEAD STAFF: JoLynn Berge, Chief Financial Officer jdberge@seattleschools.org;
Amy Fleming, Accounting Director ajfleming@seattleschools.org

For Introduction: March 24, 2021
For Action: April 7, 2021

1. TITLE

Amending Board Policy No. 6220, Procurement

2. PURPOSE

This Board Action Report makes edits to Board Policy No. 6220, Procurement, to increase Board approval dollar thresholds for procurement, contracted services, and construction projects.

3. RECOMMENDED MOTION

I move that the School Board amend Board Policy No. 6220, Procurement, as attached to the Board Action Report.

4. BACKGROUND INFORMATION

- a. **Background** Policy 6220 was implemented in February 2012, with only minor adjustments to legal references since implementation. Maintaining effective working relationships with providers of goods and services, and prompt decision making is critical in meeting delivery schedules of projects and purchases of goods and services that go through formal procurement processes as established in state law. The current Board threshold of \$250,000 creates additional procedural work for staff, especially for approval of construction contracts.

The proposed policy change would modify the contract amount for which School Board approval would be required.

Major changes include:

1. Increasing the threshold of Board approval for purchases and non-construction contracts to \$1 million.
2. Increasing the threshold of Board approval for procurement related to construction to \$5 million.
3. Requiring Board approval for contract amendments for non-capital and capital contracts at \$500,000.
4. Requiring quarterly reporting to Board committees of contracts/purchases between \$250,000 and \$999,999.

The revised Superintendent Procedures 6220SP.A through 6220SP.H streamline cumbersome language, correct title references, remove language and attachments references that are included in administrative procedures, and update legal references and amounts in state law.

- b. **Alternatives** Not adopt the policy changes. This is not recommended because it will continue to negatively impact operational efficiencies.
- c. **Research** During fiscal year 2019-2020, approximately 67 of the 174 (38.5%) Board Action Reports (BARs) approved by the School Board were related to approving procurement and construction contracts. With the proposed changes to Policy 6220, the number of BARs brought forth for Board approval would have been reduced by 48, leaving 19 BARs related to procurement.

19-20 Procurement BARS	No. of Contracts	No. of Amendment/Change Orders	Total
Non-construction	25	3	28
Construction	35	4	39
Total	60	7	67

Procurement BARS with updated Policy	No. of Contracts	No. of Amendment/Change Orders	Total
Non-construction	7	0	7
Construction	9	3	12
Total	16	3	19

5. FISCAL IMPACT/REVENUE SOURCE

On average it is estimated to take 40 hours for the BAR approval process to be completed. Increasing Board approval thresholds would reduce staff hours required to review and approve a BAR. Using the 2019-2020 data, 1,920 hours of staff time (48 BARs x 40 hours), would have been able to be redirected to the benefit of students.

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

District staff and members of the BEX Oversight Committee were involved in recommending changes to Policy No. 6220 to increase the threshold levels.

7. EQUITY ANALYSIS

This motion was not put through a formal racial equity analysis as the proposed edits free up resources to be more efficient and reduce process barriers.

8. STUDENT BENEFIT

Increasing Board approval thresholds will reduce procedural work associated with contract awards. When fewer resources and staff are needed to administer central office functions, more resources are available to focus on student outcomes.

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

Board Policy No. 6220, Procurement would be revised by this action.

11. BOARD COMMITTEE RECOMMENDATION


This motion was discussed at the Audit and Finance Committee meeting on March 15, 2021. The Committee reviewed the motion and moved the item forward with a recommendation for approval by the full Board.

12. TIMELINE FOR IMPLEMENTATION

Upon approval, the revised Board Policy No. 6220 will take effect and will be posted to the district website. Superintendent Procedures 6220SP.A through 6220SP.H will be finalized after approval of Board Policy 6220.

13. ATTACHMENTS

- Board Policy No. 6220, Procurement (clean for approval)
- Board Policy No. 6220, Procurement (tracked changes for reference)
- Superintendent Procedure No. 6220SP.A, Definition of Terms, Types of Contracts (tracked changes for reference)
 - This Superintendent Procedure is re-ordered from 6220SP.B and becomes 6220SP.A
- Superintendent Procedure No. 6220SP.B, Responsibilities for Review, Approval, and Execution of Contracts and Other Agreements (tracked changes for reference)
 - This Superintendent Procedure is re-ordered from 6220SP.A and becomes 6220SP.B
- Superintendent Procedure No. 6220SP.B – Attachment 1 (original for reference)
 - Because the procedure was reconfigured and substantially revised, a redlined version is not provided.
- Superintendent Procedure No. 6220SP.C, Architectural and Engineering Consultants Selection (tracked changes for reference)
- Superintendent Procedure No. 6220SP.D, Contracting for Services (tracked changes for reference)
- Superintendent Procedure No. 6220SP.E, Competitive Bids for Construction Projects, Materials, Equipment and Supplies (tracked changes for reference)
- Superintendent Procedure No. 6220SP.F, Miscellaneous Contracts (tracked changes for reference)
- Superintendent Procedure No. 6220SP.G, Purchasing (tracked changes for reference)
- Superintendent Procedure No. 6220SP.H, Board Action Report Requirements for Contract Actions (tracked changes for reference)

	<p>PROCUREMENT</p>	<p>Policy No. 6220</p> <p>DATE</p> <p>Page 1 of 1</p>
---	--------------------	---

It is the policy of the Seattle School Board to obtain materials, equipment, goods, supplies, personal/professional services, construction, and software and related acquisitions consistent with all applicable laws. District staff will use sound business and financial practices that support the delivery of desired services and goods on time and within budget, while maximizing value and minimizing risk and cost to the district. The district will promote fair competition to the extent practicable, including appropriate documentation in all situations where advertised sealed bids or requests for proposals are not used.

All contracts for the procurement of goods and services including, but not limited to, materials, equipment, supplies, personal/professional services, subscriptions, licensing, and software that are unrelated to capital construction and valued at more than \$1,000,000 initial value, excluding sales tax and contingencies, and changes or amendments of more than \$500,000, excluding sales tax and contingencies, must be approved by the Board.

For contracts directly-related to a construction project, if the overall construction project received approval from the Board, all contracts for the procurement of goods and services related to capital construction and valued at more than \$5,000,000 initial value, excluding sales tax and contingencies, and changes or amendments of more than \$500,000, excluding sales tax and contingencies, must also be approved by the Board. Otherwise, contracts over \$1,000,000 initial value not directly-related to a previously approved construction project will follow the lower threshold for approval.

For all contracts, multiple changes and amendments which are for the same or similar services at the same time and same location, will be considered a single action with a combined monetary value for approval purposes.

If more than one modification causes the combined total contract modification amount to exceed \$500,000, the School Board must be notified through the appropriate Board Committee as an informational item.

This policy shall apply to all contracts, agreements, and Memoranda of Understanding (MOUs) where the district receives money, pays money, or commits time and resources, whether these are paid from operating funds, capital funds, grants, ASB funds, or other sources. This policy shall not apply to individual employment contracts or collective bargaining agreements: all new

employment contracts or collective bargaining agreements or renewals of such contracts or agreements require Board approval.

Staff members who obligate the district without proper authorization may be held personally responsible for payment of such obligations.

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.

Adopted: February 2012

Revised: April 2017 (per Policy 1310); September 2017 (per Policy 1310),


DATE 2021

Cross Reference:

Related Superintendent Procedure: 6220SP.A; 6220SP.B; 6220SP.B Attachment 1; 6220SP.C; 6220SP.D; 6220SP.E; 6220SP.F; 6220SP.G; 6220SP.H

Previous Policies: G45.00

Legal References: RCW 28A.335.190 Advertising for bids — Competitive bid procedures — Purchases from inmate work programs — Telephone or written quotation solicitation, limitations — Emergencies; 39.04 Public Works; 39.04.280 Competitive Bidding Requirements — Exemptions; 2 CFR 200.67 — Uniform Administrative Requirements, Cost Principles & Audit Requirements for Federal Awards Micro-purchase; 2 CFR 200.88 — Simplified Acquisition Threshold; 48 CFR Subpart 2.1 — Federal Acquisition Regulation System Definitions
Management Resources: *Policy News*, October 2005; June 2001

 <p>SSEATTLE PUBLIC SCHOOLS</p>	<p>PROCUREMENT</p>	<p>Policy No. 6220</p> <p>September 25, 2017</p> <p><u>DATE</u></p> <p>Page 1 of 1</p>
--	--------------------	--

It is the policy of the Seattle School Board to obtain materials, equipment, goods, supplies, ~~contracted personal/professional~~ services, construction, and software and related acquisitions consistent with all applicable laws. District staff ~~shall~~will use sound business and financial practices that support the delivery of desired services and goods on time and within budget, while maximizing value and minimizing risk and cost to the district. The district ~~shall~~will promote fair competition to the extent practicable, including appropriate documentation ~~of~~in all situations where advertised sealed bids or requests for proposals are not used.

All contracts for the procurement of goods and services including, but not limited to, materials, equipment, supplies, personal/professional services, subscriptions, licensing, and software that are unrelated to capital construction and valued at more than \$~~250~~1,000,000 initial value, excluding sales tax and contingencies, and changes or amendments of more than \$~~250~~500,000, excluding sales tax and contingencies, must be approved by the ~~School~~ Board. ~~Multiple~~

For contracts directly-related to a construction project, if the overall construction project received approval from the Board, all contracts for the procurement of goods and services related to capital construction and valued at more than \$5,000,000 initial value, excluding sales tax and contingencies, and changes or amendments of more than \$500,000, excluding sales tax and contingencies, must also be approved by the Board. Otherwise, contracts over \$1,000,000 initial value not directly-related to a previously approved construction project will follow the lower threshold for approval.

For all contracts, ~~multiple~~ changes and amendments which are for the same or similar services at the same time and same location, ~~or continuation of existing activity shall~~will be considered a single action with a combined monetary value for approval purposes.

If more than one modification causes the combined total contract modification amount to exceed \$500,000, the School Board must be notified through the appropriate Board Committee as an informational item.

This policy shall apply to all contracts, agreements, and Memoranda of Understanding (MOUs) where the district receives money, pays money, or commits time and resources, whether these are paid from operating funds, capital funds, grants, ASB funds, or other sources. This policy shall not apply to

individual employment contracts or collective bargaining agreements; all new employment contracts or collective bargaining agreements or renewals of such contracts or agreements ~~shall~~ require Board approval.

Staff members who obligate the district without proper authorization may be held personally responsible for payment of such obligations.

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.

Adopted: February 2012

Revised: April 2017 (per Policy 1310); September 2017 (per Policy 1310).

DATE 2021

Cross Reference:

Related Superintendent Procedure: 6220SP.A; 6220SP.B; 6220SP.B Attachment 1; 6220SP.C; 6220SP.D; 6220SP.E; 6220SP.F; 6220SP.G; 6220SP.H

Previous Policies: G45.00

Legal References: RCW 28A.335.190 Advertising for bids – Competitive bid procedures – Purchases from inmate work programs – Telephone or written quotation solicitation, limitations – Emergencies; 39.04 Public Works; 39.04.280 Competitive Bidding Requirements – Exemptions; 2 CFR 200.67 – Uniform Administrative Requirements, Cost Principles & Audit Requirements for Federal Awards Micro-purchase; 2 CFR 200.88 – Simplified Acquisition

Threshold: 48 CFR Subpart 2.1 – Federal Acquisition Regulation System Definitions

Management Resources: *Policy News*, October 2005; June 2001

Superintendent Procedure 6220SP.~~B-A~~
**Definition of Terms, ~~Different~~ Types of
Contracts**



Approved by: s/S. Enfield Date: 2/18/12
DATE Dr. Susan Enfield Denise
Juneau, Interim Superintendent

APPLICATION

The District may use all legal alternative procurement methods to obtain materials, equipment, supplies, services, or construction work, including formal bids, informal quotes, Requests for Proposals, Requests for Qualifications, and Small Works Rosters. Documentation shall be prepared and maintained in all cases where formal bids, competitive quotes, or requests for proposals are not used; the documentation will include an explanation of why different procedures were used.

Definition of Terms

1. **Services Contracts** include Personal Services, Consulting Services, Professional Services, and Contracted Services. Construction, while it is a service, is not considered as such, but is referred to as “work.” Contracting for Services is covered further by Procedure 6220SP.D.

Types of Services Contracts:

1a. Personal/Consulting Services

~~A~~Personal Services contracts represents an agreement between the District and a contractor and relies on the unique skills and experience of the contractor (an independent contractor or firm) to provide professional or technical expertise, perform a service, or render an opinion or recommendation according to the contractor’s methods without being subject to the control of the District, except as a result of the work. The services can be contracted to provide a specific study, project, task, or enrichment experience that are not available through existing District employees, District departments, and/or volunteers.

Consulting Services contracts include contracts that are not for construction, materials, equipment or supplies, or professional services. This includes consulting services of either a technical or general nature, where the desired result is either written or oral advice or other presentation, but is not a tangible product other than paper or a computer printout. It also includes contracted services which are not treated as construction work.

Specific types of personal services contracts include:

- Medical and educational programs for Special Education in hospitals and educational institutions
- After school programs, tutoring programs, community learning centers run by charitable and community organizations
- Attorneys
- Mediators
- Adjudicators
- Facilitators
- Title I teachers at private schools
- Supplemental education providers
- Musicians, performers, speakers
- Artists in residence
- Professional development trainers
- Professional development programs for private schools
- Interpreters
- Homeschool teachers

1b. Professional Services include services which are covered by [Revised Code of Washington \(RCW\) 39.80](#), specifically Architectural and Engineering contracts where the firm is expected to do design work and is required to have a professional license by the State of Washington. Surveyors and landscape architects are included, but construction management services are not included. Architectural or engineering firms are not included when they provide advice but are included when they perform design work. Professional Services are obtained in accordance with procedures required in RCW 39.80 and described in additional detail in Procedure 6220SP.C.

1c. Contracted Services pertain to the standardized delivery of services, rather than the unique skills and experience of a contractor. Contracted Services include materials, equipment, and supplies; they involve the delivery of a physical product, such as a computer, food or a desk, and are normally obtained by a purchase order. Purchases are governed by RCW 28A.335.190, and must ~~generally~~ be bid [when the estimated cost meets the thresholds established in state law](#), except for textbooks.

Other sSpecific types of contracted services include:

- Repairs
- Pest Control
- Elevator Inspection
- Maintenance
- Nonacademic Testing
- Transportation

1d. Information Technology

[Includes technology equipment, software and services.](#) Information Technology is covered in Procedure 6220SP.F.

2. **Construction Work:** This includes the permanent improvement to real estate, such as buildings and roads or parking lots. It does not include repairs of portions of

existing buildings, except where the result is to change the functionality of the building or substantially extend its useful life. For example, the repair of a roof is not construction, but the replacement of the roof would be considered construction. Groundskeeping or planting of trees would not be considered construction, but earth moving or pouring of cement would be considered construction.

Items which are attached to the building, but may be readily removed or are expected to be replaced in a few years, are “fixtures,” not construction work. Fixtures would include window coverings and bolted in cabinets, but not flooring or built-in cabinets, which would be considered construction work. Purchase and installation of a playscape would be considered an equipment purchase. In general, the test is whether the item may be removed without impairing the functionality of the building. If a contract is not for construction, it is considered either an equipment contract or a services contract.

Construction work requires payment of prevailing wages, retention ~~and~~ or bonds, whereas purchase and installation of equipment does not. Construction contracts are covered by RCW 28A.335.190. See Procedure 6220SP.F.

3. **Emergency Work:** Grants an exemption from the bidding requirements in certain circumstances. See Board Policy 6221.
4. **Small Works:** This applies to Construction Work, up to thresholds as established in RCW 39.04.155 ~~\$200,000~~. Contracts under this amount may be competed under the Small Works Roster, or bid according to the regular construction procedures. See Board Policy 6222.
5. **Interagency Interlocal Agreements:** ~~Interagency Agreements, or~~ Interlocal Agreements are contracts between the District and other Washington State agencies, other institutions of education, a unit of local government, another state, or the federal government. These are governed by the Interlocal Cooperation Act, ~~Revised Code of Washington, Chapter~~ RCW39.34. See Procedure 6220SP.F.
6. **Sole Source:** Sole source purchases are a) purchases that are clearly and legitimately limited to a single source of supply, or b) purchases involving special facilities or market conditions as governed by RCW 39.04.280.
7. **Initiator, Review, Approval and Execution:** Defines staff position authorizations for review, approval and execution of contracts.
 - 7a. Initiator: The individual employee who desires to acquire the item or service. Responsible for preparing the contract document or agreement, providing information as required, securing budget approval, demonstrating sound business practices, complying with all legal/statutory requirements, and working with appropriate departments to obtain competition and finalize the contract.
 - 7b. Review/approval: Indicates the employee reviewing and approving the contract or agreement certifies compliance with District policies and legal/statutory requirements. Review/approval does not bind the District to the contract or agreement.

5- 7c. Execute: Authorized employee signing the contract binds the District to the contract agreement.

Where there is uncertainty as to which category a particular contract falls into, consult the Legal Department.

Approved: February 2012

Revised: DATE

Cross Reference: Board Policy No. 6220

Superintendent Procedure 6220SP.~~A~~B **Responsibilities for Review, Approval, and Execution of Contracts and Other Agreements**



Approved by: ~~s/S. Enfield~~ Date: ~~2/18/12~~

~~Dr. Susan Enfield~~ Denise Juneau, Interim
Superintendent

I. BACKGROUND AND PURPOSE

As public agency employees, District staff are responsible for letting and executing contracts which provide the greatest assurance that the desired services will be provided on time and within budget, while minimizing cost and risk to the District. District staff are also responsible for using sound business practices and promoting fair competition among vendors, to the extent practicable, as the best means to assure quality service and minimum costs.

All District procurement activities must be performed in accordance with Board Policy 6220, Procurement, and with legal and statutory requirements.

~~Board Policy 6220 is available here:~~

~~<http://www.seattleschools.org/modules/groups/homepagefiles/cms/1583136/File/Policies/Board/series6000/6220.pdf>~~

II. SCOPE OF THESE PROCEDURES

These procedures cover all contracts, purchases, agreements, and Memoranda of Understanding (MOU's) where the District receives money, pays money, or commits time and resources. These procedures also include but are not limited to:

- architectural and engineering contracts
- construction change orders
- construction contracts
- curriculum and educational materials
- emergency construction contracts
- equipment and supplies
- grants, ~~interagency~~interlocal, and revenue-producing contracts
- non-construction contract modifications
- personal services and contracted services for professional services, including consultants
- real property
- software and related services
- sole source justifications
- transportation contracts

This procedure does not apply to individual employment contracts or collective bargaining agreements.

III. OBJECTIVE

The objective of these procedures is to clearly delineate the approval process for contracts, agreements, and MOU's for all District staff.

Work and services pursuant to covered contracts **cannot begin** until final contract approval is secured according to the requirements of these procedures.

Staff members who obligate the district without proper prior authorization may be held personally responsible for payment of such obligations.

IV. PROCEDURES

A. Approval Process

The approval process for review and execution of contracts and other agreements is found in 6220SP.B -Attachment 1 is a chart which shows the responsibilities for the review, approval, and execution of contracts and other agreements.

Attachment 2 is the Superintendent/Asst. Supt. Bus. and Finance Approval Form.

Attachment 3 is a Documentation of Competition or Sole Source Justification form for Personal Services contracts.

Attachment 4 is a Sole Source Justification form for Equipment, Purchased Services, Construction, Software, and Curriculum materials.

Attachment 5 is a cover memo to a staff member about a possible unauthorized procurement, seeking additional information.

Attachment 6 is a cover memo to a staff member involved in an unauthorized procurement, once it is determined by Accounting or Procurement that an unauthorized procurement has occurred. This memo requests that the individual complete an Unauthorized Procurement Ratification Request form.

Attachment 7 is an Unauthorized Procurement Ratification Request form, which must be (i) completed by the employee who has committed an unauthorized procurement, (ii) signed by the employee's supervisor, and (iii) depending on the level of the unauthorized procurement, signed by the Assistant Superintendent for Business and Finance and Superintendent.

Attachment 8 is a page showing definitions of terms used in this process.

District staff should utilize the appropriate forms for approval which are found on the internal mysps website.

Any rejected contracts or agreements are sent back to the contract's initiator, who is responsible for resolving problems and issues related to the contract.

All staff members are expected to comply with the approval processes outlined in these procedures. Any staff member who commits an unauthorized procurement is subject to disciplinary procedures.

B. Definitions

Initiator: Responsible for preparing the contract document or agreement, providing information as required, securing budget approval, demonstrating sound business practices, complying with all legal/statutory requirements, and working with appropriate departments to obtain competition and finalize the contract.

Review/Approval: Indicates that person reviewing and approving the contract document or agreement certifies that it is in compliance with District policies and legal/statutory requirements. Review/approval does not bind the District to the contract or agreement.

Execute: Binds the District to the contract or agreement.

Attachment 8 shows further definitions.

C.B. Examples

Following are examples of the approval process.

1. Personal Services Contract

A high school principal decides to hire an artist-in-residence for ~~her~~the high school. The total cost of this contract is \$20,000, and the cost is not funded from federal dollars. ~~Since the~~The principal is the initiator, ~~and will~~she completes the standard personal service contract, signs it, and sends ~~it~~ to the Accounting Office for review, approval, and execution of the contract.

Complete instructions for completing Personal Services Contracts are found on mysp website at: <http://inside.seattleschools.org/area/sap/sapforms.xml>. **The contract must be executed prior to work commencing.**

Personal Services Contracts may also include services for:

- Medical and educational programs for Special Education in hospitals and educational institutions
- After school programs, tutoring programs, and community learning centers run by charitable and community organizations
- Attorneys
- Mediators
- Adjudicators
- Facilitators
- Title I teachers at private schools
- Supplemental education providers
- Musicians, performers, speakers
- Professional development trainers
- Professional development programs for private schools
- Interpreters
- Homeschool instructional services

2. Construction Contract

A construction project calls for building upgrades, reroofing and window replacements at a middle school. Procurement staff advertises and issue the bid, working with construction staff to coordinate bid documents and timelines. The low bid is for \$5,479,000.

Procurement staff prepare contract documents, working with construction staff. Construction staff are responsible for securing approvals as required ~~on the Superintendent/ Assistant Superintendent for Business and Finance Approval Form,~~ and for preparing documentation ~~for as required by the School Board approval for the Superintendent's review and approval.~~

Upon final approval from the Board, the Superintendent executes the contract.

3. Purchased Services Contract

A manager wants to purchase pest control services for approximately \$530,000. Because the dollar amount is above \$4025,000, he works with Procurement to obtain at least three competitive quotes, accepts the lowest one, and sends the requisition to his Director for approval. The manager then sends the signed requisition to Procurement for review and approval. Procurement executes the contract.

4. Grant Award

An elementary school receives notice of a grant award for \$95,000 from a local foundation. The principal, in conjunction with the Grants Office, reviews and approves this grant award. The principal and Grants Office then obtain review/approval of the grant award from Accounting, the Education Director, and the Legal Office. The ~~Assistant Superintendent for Business and Finance~~ Chief Financial Officer executes the grant.

5. Contract Modification (construction)

Unexpected site conditions have raised the cost of a construction project at a middle school. The District construction project supervisor and the contractor negotiate a change order of \$90,000 for a contract of \$300,000. The original contract was previously approved by the ~~School Board and Superintendent~~ or designee. The project supervisor completes a memo to the contract file explaining the reason for the change, as well as justification for the amount of the change, in sufficient detail to enable an experienced construction professional not familiar with the circumstances to understand the basis for the decision, including both the reason for the increase and the amount. The memo explains the reason for the cumulative increase of the contract amount, and states whether the added work or services could effectively be competed separately. Factors to be considered include the relationship of the added costs to the scope of work, timing, location, skill needed, or opportunities for competition.

The initiator signs and approves the change order and memo, and routes it for approval by the Manager, Director, Legal Office, ~~Accounting, and Assistant Chief Operating Officer~~ Superintendent for Operations, the Legal Office, and Accounting. ~~The Chief Financial Officer executes the contract modification. The Assistant Superintendent for Operations executes the contract modification.~~

Please also refer to Procedure 622OSP.D, Contracting for Services Procedure, for information about Contract Modifications.

6. Contract Modification (non-construction)

As a result of a Request for Proposal (RFP) process for software consultants, a vendor has been awarded a contract to upgrade one of the District's computer systems. The total amount of the contract award to the vendor was \$150,000, which was previously approved by the Superintendent.

- a. The department originating the contract now wishes to extend the original contract to the vendor by \$25,000 and 3 months. The project manager completes a memo to the contract file explaining the changes, with details appropriate to the circumstances. The documentation shall include an explanation of the reason for the change, as well as justification for the amount of the change, in sufficient detail to enable a professional in the field – i.e., in Information Technology -- who is unfamiliar with the circumstances to understand the basis for the decision.

The project manager reviews and approves the contract amount and extension, sends it to the department Director for review/approval, and to Accounting for review/approval. The Accounting Office executes the contract modification.

- b. The department originating the contract wants to buy a licensing agreement for one year for \$50,000. The project manager reviews and approves the licensing agreement, and sends it the department Director for review/approval. Accounting and Procurement review and approve the licensing agreement, and Procurement executes it.
- c. The department originating the contract wants to buy a licensing agreement for \$260,000 annually for five years, for a total of \$1,300,000. The project manager reviews and approves the licensing agreement, sends it to the department Director for review/approval, and then sends it to Accounting, Procurement, the Legal Office, the [Assistant Superintendent for Business Chief Financial Officer, or equivalent title and Finance](#), and the Superintendent for review/approval. Because the contract is over \$2501,000,000, this agreement must be reviewed and approved by the Board. After the Board approves the agreement, the Superintendent executes it.

Please also refer to Procedure 6220SP.D, Contracting for Services Procedure, for information about Contract Modifications.

7. Sole Source

A manager has purchased equipment which has special replacement parts only available from one manufacturer. The equipment has now stopped working, and the manager needs to order replacement parts. The parts cost \$15,000. The manager completes documentation justifying the procurement as a sole source purchase, including the rationale for the sole source. The Manager then signs it, and sends it to Procurement. Finding that the sole source justification has merit, Procurement staff section approves the form and include it with the purchase order. Purchasing keeps the sole source form in the file for this requisition.

8. Property Lease

A local private school would like to lease a closed school in the District for their K-6 academic program. The private school and the Property Manager negotiate a lease for 5 years and \$60,000 per year (or \$300,000 over five years). The Property Manager reviews and approves the lease, ~~and~~ then seeks approval from the Facilities Director, the ~~Assistant Superintendent for Business and Finance~~ Chief Financial Officer or equivalent title, and the Superintendent. ~~Because the lease is over \$250,000, School Board approval is required.~~ The ~~Property Manager and the Superintendent~~ executes the lease. Because the five year agreement does not exceed \$1,000,000, Board approval is not required.

9. Information Technology

A technology system (computer and software) is old and needs to be upgraded. The new system is expected to cost \$22,000. The project manager completes the requisition for the system, reviews and approves it, and sends it to DoTS for review and approval. The DoTS review is to ensure that the system meets strategic objectives, complies with technology architecture guidelines, and can be supported by DoTS. It is then sent to Procurement for review and approval. Procurement executes the purchase.

If the system qualifies as a sole source purchase, it requires sole source justification and documentation as appropriate. Where practical, competition is used to obtain the best price, terms, and service from dealers and distributors. Competition or sole source justification is required ~~for all~~ contracts funded from federal dollars exceeding the threshold per 2CFR 200.88 – Federal procurement Simplified Acquisition Threshold.

~~D.C.~~ Exceptions authorized: Only the Superintendent, ~~Assistant Superintendent for~~ Chief Financial Officer or equivalent title ~~Business and Finance~~, or designee may authorize exceptions to this procedure.

Approved: February 2012

Revised: [DATE]

Cross Reference: Board Policy No. 6220

SUPERINTENDENT PROCEDURE 6220SP.A-B – ATTACHMENT 1

RESPONSIBILITIES FOR REVIEW AND EXECUTION OF CONTRACTS AND OTHER AGREEMENTS

All contracts using non-standard terms and conditions must be reviewed by Legal.

- = Routing Review: Indicates that the person reviewing certifies that funding is available for the contract and/or in compliance with District policies and statutory rules and regulations. The person is not authorized to sign the contract. Examples of typical routing participants: *Managers, School Principals, Directors, [Chiefs](#)¹*.
- ◇ = Execute (Signing Authority): Person is authorized to Bind the District to the contract, purchase order, or other agreement. Authorized signers include: *Purchasing Manager, Accounting Director, ~~Assistant Superintendent for Business and Finance~~[Chief Financial Officer](#)¹, ~~Deputy Superintendent~~ and the Superintendent. The ~~Deputy Superintendent~~[Chief Financial Officer](#) has the authority to sign for the Superintendent at any time.*

¹[Chief of Department or equivalent title as updated from time to time.](#)

TABLE OF CONTENTS

1. GOODS AND SERVICES CONTRACTS	32
A. Goods, Contracted Services and Small Works	32
B. Personal Services	43
C. Contract Modifications/Amendments for Non-Construction Contracts and Budget Transfers	54
2. CONSTRUCTION AND PROFESSIONAL SERVICES CONTRACTS	76
A. Construction and Professional Services Contracts.....	76
B. Emergency Contracts	87
C. Contract Modifications/Amendments for Construction and Small Works Agreements.....	87
D. Contract Modifications/Amendments for Professional Services.....	98
E. Contract Modifications for Capital Budget Transfers.....	1110
3. MISCELLANEOUS CONTRACTS.....	1211
A. Sole Source Approvals for Contracts and Purchases	1211
B. Revenue Producing Agreements and Other Miscellaneous Contracts	1312
C. Real Property	1413
D. Modifications/Amendments to Collective Bargaining Agreements	1413
4. LAWSUITS, SETTLEMENTS AND CLAIMS.....	1514
A. Lawsuits, Settlements and Claims.....	1514
B. Employment and Labor Settlements (Other Than Litigation)	1514
C. Special Education Settlements.....	1514

DRAFT

1. GOODS AND SERVICES CONTRACTS

A. GOODS, CONTRACTED SERVICES AND SMALL WORKS

Items generally purchased under this category:

- Equipment, goods and supplies;
- Software (Out-of-the-box; minimal implementation costs);
- Curriculum materials;
- Contracted services (Services based on standardized delivery of services and include materials or equipment, such as pest control, elevators, transportation, etc.);
- Small works

Items are typically processed via SAP B2B Marketplace and processed through the District's Purchasing Department.

● = Routing Review ◇ = Execute (Signing Authority)	Purchase Amount			
	\$0 - \$75,000	\$75,001 - \$100,000	\$100,001 - \$1,000,000	Over \$1,250,000
Initiator (Manager or School Principal)	●	●	●	●
Director		●	●	●
Purchasing	◇	●	●	●
Legal		●	●	●
Assistant Superintendent or Associate Superintendent Chief of Department		●	●	●
Assistant Superintendent for Business and Finance Chief Financial Officer		◇	●	●
Superintendent			◇	◇
School Board				●

B. PERSONAL SERVICES

Personal services contracts (PSCs) are based on unique skills and experience of firm or contractor. Services generally contracted under this type of contract:

- Consulting services
- After school or tutoring programs
- Professional development trainers
- Medical services and educational programs in hospitals and educational institutions
- Software (Customized, typically requiring significant implementation and training costs)

● = Routing Review ◇ = Execute (Signing Authority)	Purchase Amount				
	\$0-\$25,000	\$25,001 - \$75,000	\$75,001 - \$100,000	\$100,001 - \$125,000,000	Over \$125,000,000
Initiator (Manager or School Principal)	●	●	●	●	●
Director		●	●	●	●
Contracting Services		●	●	●	●
Legal	◇ ¹		●	●	●
Accounting	◇	◇	●	●	●
Assistant Superintendent or Associate Superintendent/Chief of Department			●	●	●
Assistant Superintendent for Business and Finance/Chief Financial Officer			◇	●	●
Superintendent				◇	◇
School Board					●

¹: General Counsel may execute Special Education or Student 504 Service contracts up to \$10,000 where an emergency exists that does not allow for normal processing of contracts.

C. CONTRACT MODIFICATIONS/AMENDMENTS FOR NON-CONSTRUCTION CONTRACTS AND BUDGET TRANSFERS

The term “modification” means a change to the budget. This section applies to:

- Software and services
- Personal service contracts
- Non-construction contracts
- Contract amendments
- Budget transfers and modifications

For contract modifications/change orders for Small Works, refer to Section 2.C, Contract Modifications for Construction and Small Works agreements.

25% Rule: Contract modifications ~~which are~~ over \$25,000 ~~and or~~ more than 25% of the original contract amount must be signed by the ~~Assistant Superintendent for Business and Finance~~ Chief Financial Officer and include an explanation why the increase is necessary.

School Board Guidelines for Modifications:

1. If a single modification is over ~~\$250~~500,000, full Board Action is required for modification approval.
2. If ~~the~~ two or more modifications causes the combined total contract amount to exceed ~~\$500~~250,000, the School Board must be notified through the appropriate Board Committee as an informational item.

In addition, the contract modification process shall not be used to circumvent the requirement for School Board approval by splitting a single contract or activity into multiple actions to reduce the amount below the applicable dollar thresholds.

	Purchase Amount						
	\$0-\$25,000	<u>\$0-\$25,000 but more than 25%</u>	\$25,001-\$75,000 but less than 25%	\$25,001-\$75,000 but more than 25%	\$75,001 - \$100,000	\$100,001 - \$250 500,000	Over \$250 500,000
● = Routing Review ◇ = Execute (Signing Authority)							
Initiator (Manager or School Principal)	●	<u>●</u>	●	●	●	●	●
Director				●	●	●	●
Purchasing (Goods and materials)	◇ ¹		◇ ¹	●	●	●	●
Contracting Services (Service related modifications)			●	●	●	●	●
DoTS Director (Software and related services)	●	<u>●</u>	●	●	●	●	●
Legal				●	●	●	●
Accounting	◇	<u>●</u>	◇	●	●	●	●
<u>Assistant Superintendent or Associate Superintendent</u> <u>Chief of Department</u>				●	●	●	●
<u>Assistant Superintendent for Business and Finance</u> <u>Chief Financial Officer</u>		<u>◇</u>		◇	◇	●	●
Superintendent						◇	◇
School Board							●
¹ : The Purchasing Manager may execute software and other supply and material modifications within the specific dollar thresholds noted.							

2. CONSTRUCTION AND PROFESSIONAL SERVICES CONTRACTS

A. CONSTRUCTION AND PROFESSIONAL SERVICES CONTRACTS

Contracts related to the design and construction of District schools and sites:

- Construction
- Architectural and Engineering
- Professional Services related to construction

● = Routing Review ◇ = Execute (Signing Authority)	Purchase Amount			
	\$0 - \$75,000	\$75,001 - \$100,000	\$100,001 - \$5,000,000	Over \$255,000,000
Project Manager	●	●	●	●
Director		●	●	●
Contracting Services	● ¹	●	●	●
Legal		●	●	●
Accounting	◇	●	●	●
Assistant Superintendent or Associate Superintendent of Department		●	●	●
Assistant Superintendent for Business and Finance Chief Financial Officer		◇	●	●
Superintendent			◇	◇
School Board				●

¹: The Contracts Manager shall review contracts over \$25,40,000.

B. EMERGENCY CONTRACTS

This section applies to emergency construction or service contracts. Per RCW 39.04.280, an emergency is defined as: unforeseen circumstances beyond the control of the municipality that either: (a) present a real, immediate threat to the proper performance of essential functions, or (b) will likely result in material loss or damage to property, bodily injury, or loss of life if immediate action is not taken.

● = Routing Review ◇ = Execute (Signing Authority)	Purchase Amount		
	\$0 - \$100,000	\$100,001 - \$ 250 500,000	Over \$ 1,000 250,000
Project Manager	●	●	●
Director	●	●	●
Purchasing	●	●	●
Contracting Services (as appropriate)	●	●	●
Legal	●	●	●
Accounting	●	●	●
<u>Assistant Superintendent or Associate Superintendent</u> <u>Chief of Department</u>	●	●	●
<u>Assistant Superintendent for Business and Finance</u> <u>Chief Financial Officer</u>	◇	●	●
Superintendent		◇	◇
School Board			●

C. CONTRACT MODIFICATIONS/AMENDMENTS FOR CONSTRUCTION AND SMALL WORKS AGREEMENTS

This section applies to contract modifications and amendments for:

- Change directives;
- Construction change orders;
- Small Works change orders;
- Contract amendments;
- Construction Claims

All contract amendments and modifications must include an explanation with details appropriate to the circumstances. The documentation shall include an explanation regarding the reason for the change, as well as justification for the change, in sufficient detail to enable an experienced professional in the field covered by the service to understand the basis for the decision, including both the reason for the increase and the amount. The documentation must be signed according to the signed according to the matrix below.

In addition to the requirements noted in the previous paragraph, for any contract change or modification a) where the original value was more than \$~~250~~500,000 and the cumulative increase in the contract amount exceeds the lesser of 25% or \$~~500~~250,000 and again each time the cumulative increase exceeds an additional \$~~500~~250,000; or b) where the original value was between \$100,000 and \$~~500~~250,000 and the cumulative increase is more than 50% of the original

contract value, the documentation shall explain the reasons for the cumulative increase of the contract amount, and state whether the added work or services could effectively be completed separately. Factors to be considered include the relationship of the added costs to the scope of work, timing, location, skill needed, or opportunities for competition.

School Board Guidelines for Modifications:

1. If a single modification is over \$~~500,000~~500,000, full Board Action is required for modification approval.
2. If the modification causes the combined total contract amount to exceed \$~~500,000~~500,000, the School Board must be notified through the appropriate Board Committee as an informational item.

In addition, the contract modification process shall not be used to circumvent the requirement for School Board approval by splitting a single contract or activity into multiple actions to reduce the amount below the applicable dollar thresholds.

<ul style="list-style-type: none"> ● = Routing Review ◇ = Execute (Signing Authority) 	Purchase Amount				
	\$0-\$25,000 (Change Directives)	\$0 - \$75,000	\$75,001 - \$100,000	\$100,001 - \$ 500,000 500,000	Over \$ 250,000 250,000
Project Manager	◇ ¹	●	●	●	●
Sr. Project Manager		●	●	●	●
Director		●	●	●	●
Purchasing (Small Works)		◇ ²	●	●	●
Legal			●	●	●
Accounting		◇	●	●	●
Assistant Superintendent or Associate Superintendent/Chief of Department			●	●	●
Assistant Superintendent for Business and Finance/Chief Financial Officer			◇	●	●
Superintendent				◇	◇
School Board					●

¹: Project Manager may only execute field change directives under \$25,000.
²: Purchasing Manager may execute change orders for Small Works Projects under \$75,000.

D. CONTRACT MODIFICATIONS/AMENDMENTS FOR PROFESSIONAL SERVICES

This section applies to contract modifications and amendments for:

- Architectural and engineering services;
- Professional services;
- Services with scope which fall under RCWs 18.08, 18.43, or 18.96

All contract amendments and modifications must include an explanation with details appropriate to the circumstances. The documentation shall include an explanation regarding the reason for the change, as well as justification for the change, in sufficient detail to enable an experienced professional in the field covered by the service to understand the basis for the decision, including both the reason for the increase and the amount. The documentation must be signed according to the signature authority listed in this matrix.

In addition to the requirements noted in the previous paragraph, for any contract change or modification (a) where the original value was more than \$500,250,000 and the cumulative increase in the contract amount exceeds the lesser of 25% or \$500,250,000, and again each time the cumulative increase exceeds and additional \$500,250,000; or (b) where the original value was between \$100,000 and \$500,250,000 and the cumulative increase is more than 50% of the original contract value, the documentation shall explain the reasons for the cumulative increase of the contract amount, and state whether the added work or services could effectively be competed separately. Factors to be considered include the relationship of the added costs to the scope of work, timing, location, skill needed, or opportunities for competition.

A contract modification which brings the cumulative increase to more than 25% of the original contract amount must be signed by the Assistant Supt. for Business and Finance/Chief Financial Officer. Subsequent contract amendments revert to the original signature requirements on this section of the matrix.

Contracts with an initial value of less than \$10,000 do not require a memo to the contract file explaining the changes until a cumulative total of the contract modifications exceeds 100% of the original value of the contract.

For all Professional Service Modifications over \$50,000, a Negotiation Memo is required, setting forth the amount of the increase and how it was determined.

For all Professional Services Modifications over \$100,000, a written proposal for services or record of negotiations must be included.

School Board Guidelines for Modifications:

3. If a single modification is over \$250,500,000, full Board Action is required for modification approval.
4. If the modification causes the combined total contract amount to exceed \$500,250,000, the School Board must be notified through the appropriate Board Committee as an informational item.

In addition, the contract modification process shall not be used to circumvent the requirement for School Board approval by splitting a single contract or activity into multiple actions to reduce the amount below the applicable dollar thresholds.

● = Routing Review ◇ = Execute (Signing Authority)	Purchase Amount				
	\$0-\$25,000 (Change Directives)	\$0 - \$75,000	\$75,001 - \$100,000	\$100,001 - \$250,500,000	Over \$250,500,000
Project Manager	◇ ¹	●	●	●	●
Director		●	●	●	●
Purchasing (Small Works)		◇ ²	●	●	●
Legal			●	●	●
Accounting		◇	●	●	●
<u>Assistant Superintendent or Associate Superintendent/Chief of Department</u>			●	●	●
<u>Assistant Superintendent for Business and Finance/Chief Financial Officer</u>			◇	●	●
Superintendent				◇	◇
School Board					●

¹: Project Manager may only execute field change directives under \$25,000.

²: Purchasing Manager may execute change orders for Small Works Projects under \$75,000.

E. CONTRACT MODIFICATIONS FOR CAPITAL BUDGET TRANSFERS

<ul style="list-style-type: none"> ● = Routing Review ◇ = Execute (Signing Authority) 	Transfer Amount		
	\$0 - \$75,000	\$75,001 - \$100,000	Over \$100,000
Project Manager	●	●	●
Sr. Project Manager		●	●
Director	●	●	●
Capital Finance	◇	◇	●
Assistant Superintendent or Associate Superintendent Chief of Department			●
Assistant Superintendent for Business and Finance Chief Financial Officer			◇

3. MISCELLANEOUS CONTRACTS

A. SOLE SOURCE APPROVALS FOR CONTRACTS AND PURCHASES

Contracts and purchases greater than \$40,000¹ that are sole source must include an approved justification form and must be publicly posted for seven (7) calendar days prior to contract execution.

● = Routing Review ◇ = Execute (Signing Authority)	Purchase Amount				
	\$10,000- \$2540,000 ¹	\$2540,001 ¹ - \$75,000	\$75,001 - \$100,000	\$100,001 - \$250,000 1,000,000	Over \$250,000 1,000,000
Initiator (Manager or School Principal)	●	●	●	●	●
Director	●	●	●	●	●
Purchasing	◇	◇ ²	●	●	●
Contracting Services		◇ ²	●	●	●
Legal		◇ ²	●	●	●
Accounting	◇	◇ ²	●	●	●
Assistant Superintendent for Business and Finance Chief Financial Officer			◇		
Superintendent				◇	◇
¹ Sole source documentation is required for contracts in excess of \$10,000, or as updated under the Simplified Acquisition Threshold in 2CFR 200.88. Purchasing approves for goods and materials, Accounting approves for services. ² Purchasing, Contracting Services, Legal and Accounting approve.					

B. REVENUE PRODUCING AGREEMENTS AND OTHER MISCELLANEOUS CONTRACTS

An agreement under this category would include:

- Grant
- Interagency/Interlocal Agreement
- Memorandum of Understanding (MOU) – No fiscal impact
- Memorandum of Agreement (MOA) – includes financial commitment
- Revenue Producing Contract

Dollar amount is based on total multiyear payment to District, or District commitment to expend funds, whichever is greater.

● = Routing Review ◇ = Execute (Signing Authority)	Amount				
	\$0	\$1 - \$75,000	\$75,001 - \$100,000	\$100,001 - \$250,000	Over \$1,000,250,000
Initiator (Manager or School Principal)	●	●	●	●	●
Director			●	●	●
Purchasing (as appropriate)		◇ ²	●	●	●
Contracting Services (as appropriate)		●	●	●	●
Legal	●	●	●	●	●
Grants Office (as appropriate)		●	●	●	●
Accounting		◇ ³			
Assistant Superintendent or Associate Superintendent Chief of Department			●	●	●
Assistant Superintendent for Business and Finance Chief Financial Officer	◇ ¹		◇	●	●
Superintendent				◇	◇
School Board					● ⁴

¹: All MOU's, whether or not they involve funds, must be signed by the ~~Assistant Superintendent for Business and Finance~~
~~Chief Financial Officer~~.

²: Purchasing Manager may execute Interlocal Agreements (KCDA, School District's, WSCA) up to \$75,000 for the purchase of materials, equipment and supplies which would otherwise be under their signature authority.

³: Accounting Director may execute agreements that either commits the District or allows the District to receive funds up to \$75,000.

⁴: Per Board Policy No. 6114, Board approval for revenue producing agreements is required where the amount of the award exceeds \$1,000,250,000 in any fiscal year.

C. REAL PROPERTY

This section applies to real property transactions that would include:

- The purchase, sale or lease of real property
- Property easements
- Lot Boundary Adjustments (LBA)

All real property transactions must be reviewed by Legal. If the expected annual value of the lease multiplied by the number of years of the lease exceeds \$~~1,000~~250,000, the lease must be approved by the School Board.

● = Routing Review ◇ = Execute (Signing Authority)	Purchase Amount					
	Easements and LBAs under 1,000 SF	Leases under 5 years	Leases 5-10 years under \$25,000 per year	Leases 5-10 years over \$25,000 per year	Leases over 10 years or over \$ 250 1,000,000	All Sales
Property Manager	◇	◇	◇	●	●	●
Facilities Director		●	●	●	●	●
Legal			●	●	●	●
Accounting						
Associate Superintendent for Facilities and Operations Chief Operating Officer				●	●	●
Assistant Superintendent for Business and Finance Chief Financial Officer		◇	◇	●	●	●
Superintendent				◇	◇	◇
School Board					●	●

D. MODIFICATIONS/AMENDMENTS TO COLLECTIVE BARGAINING AGREEMENTS

● = Routing Review ◇ = Execute (Signing Authority)	Amount			
	No monetary impact	\$1 - \$100,000	\$100,000 - \$250,000	Over \$250,000
Department Director	◇	●	●	●
Legal		●	●	●
Assistant Superintendent for Business and Finance Chief Financial Officer		●	●	●
Assistant Superintendent Chief for Human Resources		◇	●	●
Superintendent			◇	◇●
School Board				◇●

4. LAWSUITS, SETTLEMENTS AND CLAIMS

A. LAWSUITS, SETTLEMENTS AND CLAIMS

This section pertains only to lawsuits and General-funded claims. All Capital-funded claims are covered by Section 2.C, Contract Modifications/Amendments for Construction and Small Works Agreements.

<ul style="list-style-type: none"> ● = Routing Review ◇ = Execute (Signing Authority) 	Amount		
	\$0 - \$100,000	\$100,000 - \$250,500,000	Over \$250,500,000
Legal	◇	●	●
Accounting Chief Financial Officer		●	●
Superintendent		◇	◇
School Board			●

B. EMPLOYMENT AND LABOR SETTLEMENTS (OTHER THAN LITIGATION)

<ul style="list-style-type: none"> ● = Routing Review ◇ = Execute (Signing Authority) 	Amount			
	No monetary impact	\$1 - \$100,000	\$100,000 - \$250,500,000	Over \$250,500,000
Department Director	◇	●	●	●
Legal		●	●	●
Accounting Chief Financial Officer		●	●	●
Assistant Superintendent for Human Resources Chief of Human Resources		◇	●	●
Superintendent			◇	●
School Board				●◇

C. SPECIAL EDUCATION SETTLEMENTS

<ul style="list-style-type: none"> ● = Routing Review ◇ = Execute (Signing Authority) 	Purchase Amount				
	\$0-\$10,000	\$10,001 - \$40,000	\$40,001 - \$100,000	\$100,001 - \$250,000	Over \$250,000
Director or Executive Director of Special Education	◇	●	●	●	●
Legal		◇ ¹	◇	●	●

Superintendent of Business and Finance Chief Financial Officer				•	•
Superintendent				◇	◇
School Board					•
¹ : Approval required by Assistant General Counsel managing the case and Executive Director of Special Education.					

DRAFT

Superintendent Procedure 6220SP.C Architectural and Engineering Consultants Selection



Approved by: s/S. Enfield Date: 3/13/12
DATE Dr. Susan Enfield
Denise Juneau, Interim Superintendent

The District shall select professional architectural and engineering consultants, in accordance with Chapter 39.80 RCW, based on their qualifications and successful experience with the specific type of work required for the proposed project. Evaluation of a firm's previous quality of work for the Seattle School District and other school districts, as well as other legally permitted factors, shall be acceptable criteria for selection or non-selection. This process must utilize the consistent application of established criteria to ensure objectivity.

I. PROCESS

- A. Publishing an announcement. Upon receipt of notification from the initiator, Procurement staff shall work with the initiator to (i) develop an RFP for A & E selection and (ii) to publish an announcement regarding the District's requirement for professional services. A copy of this announcement shall be kept in the contract file.
- B. Providing opportunities to minority and women-owned firms. As part of an outreach process for minority and women-owned firms, Procurement staff shall:
 - (i) publish the RFP for the A & E in a minority newspaper,
 - (ii) maintain an electronic listing of Minority and Women's Business Enterprise architectural firms, based on the list of architectural firms shown on the State of Washington's Office and Minority and Women's Business Enterprises, who have indicated that they wish to be informed of upcoming A & E RFP opportunities,
 - (iii) use this list to electronically notify Minority and Women's Businesses of these opportunities as they are published, and
 - (iv) update this list every two years.
- C. Review of firms. Procurement staff shall forward proposals it receives to the initiator for review. Submittals not received by the advertised deadline may be deemed unresponsive and may not be considered by the District.

The proposals shall be reviewed according to the criteria established in the RFP (the professional qualifications necessary for satisfactory performance of required services).

- D. Criteria. Criteria typically include:

- Specialized experience and technical competence in educational facilities or similar building types;
- Capacity to accomplish the work in the required time;
- Past performance on contracts in terms of cost control, quality of work, and compliance with performance schedules;
- Location in the general geographical area of the project and knowledge of the locality of the project; provided that application of this criterion leaves an appropriate number of qualified firms, given the nature and size of the project;
- Other appropriate evaluation criteria as established by the Director of Capital Projects, provided that such other criteria, if any, shall be established in writing before the A/E selection process

The initiator shall forward the documentation of this evaluation to Procurement staff. This documentation shall be kept in the contract file. Upon receipt of this documentation, Procurement staff shall notify the short-list finalists for interviews if interviews are deemed necessary. If interviews are not deemed necessary, the initiator shall document why, and shall provide this information to Procurement for the contract file.

- E. Selection committee. In the A & E selection process, the initiator is typically the project manager for the specific project. The initiator shall identify and convene a selection committee to review the proposals and short-list finalists. The selection committee shall document its review for each A/E firm, noting that the required selection elements were evaluated, and noting how the firms ranked in each area. Additionally, the initiator shall prepare a report explaining the reasons for the recommendation of the selected firm. The initiator shall also provide sufficient documentation from the selection committee so that the School Board can make an informed decision. This documentation shall be provided to Procurement for the contract file.
- F. Identification of award to successful firm. The initiator shall forward to Procurement staff the name of the top-ranked firm. Procurement staff shall notify the successful firm as well as the unsuccessful firms.
- G. Negotiations with top-ranked firm. The initiator shall document the District's negotiations with the top-ranked firm for the delivery of services with a memo to file which identifies the primary individuals involved, the basis of the amount negotiated, and the primary issues resolved, and shall provide this documentation to Procurement. If the review committee is unable to make a determination of the top-ranked firm, or if negotiations are unsuccessful with the top-ranked firm, then the initiator shall negotiate with the second-ranked firm, or, in conjunction with Procurement, decide to readvertise the A & E RFP.
- H. Number of proposals received. If the initiator determines that the District does not receive a sufficient number of proposals from which to make a

competitive selection, the initiator will work with Procurement to determine whether to readvertise the RFP.

- I. Interim Contracts. These are covered in Superintendent's Procedure 6220SP.H.

~~Attachment 1 is a checklist which shows the documentation required for the contract file for Architectural and Engineering Consultants selection.~~

II. REQUEST FOR QUALIFICATIONS AND ROSTERS

Where the District requires the same or similar services for several unrelated projects over an extended period, it may solicit statements of qualifications from vendors in that field. The District typically advertises Requests ~~f~~For Qualifications to request Statements of Qualifications from Architects and Engineers, or from firms for professional services.

The statements are evaluated, and a roster is created. Vendors who have the necessary qualifications and are available when the services are needed are selected from the roster.

Criteria used to pre-qualify firms typically include:

- Professional qualifications necessary for satisfactory performance of required services;
- Specialized experience and technical competence in educational facilities or similar building types;
- Capacity to accomplish the work in the required time;
- Past performance on contracts in terms of cost control, quality of work, and compliance with performance schedules;
- Location in the general geographical area of the project and knowledge of the locality of the project.

Documentation of the advertisement, the selection process, and the firms selected for the roster(s) shall be kept in the contract file.

Typically, this process is redone every two years, to assure open competition among vendors.

Approved: March 2012

Revised: DATE

Cross Reference: Board Policy No. 6220

Superintendent Procedure 6220SP.D Contracting for Services



Approved by: [s/S. Enfield](#) Date: [2/28/12](#)
[DATE Dr. Susan Enfield](#)
[Denise Juneau, Interim Superintendent](#)

I. APPLICATION

In all aspects of contracting for services, the District's goals are to:

- Maintain compliance with legal and statutory requirements, and review internal procedures as state [or federal](#) laws change from time to time,
- Use sound business practices and promote fair competition among vendors, to the extent practicable, as the best means to assure quality services and minimum costs,
- Promote and demonstrate ethics and integrity in dealings with customers, staff and contractors.

The District shall obtain contracted services which will provide the greatest assurance that the desired services will be provided on time and within budget, while minimizing cost and risk to the District.

This procedure applies to all contracts for services, including:

1. consultants,
2. testing, inspection and maintenance and other purchased services, and
3. rentals of equipment.

This procedure does not apply to:

1. construction (i.e., new buildings, major renovation or upgrades to permanent structures), whether done through a bid or the Small Works Roster process, (covered by Procedure 6220SP.E),
2. legal, insurance, and financial services (covered by Procedure 6220SP.F),
3. contracts with other public agencies, including [interagency-interlocal](#) agreements (covered by Procedure 6220SP.F),
4. architects and other professional services covered by RCW 39.80 (covered by Procedure 6220SP.C),
5. utility services (covered by Procedure 6220SP.F),
6. real property (covered by Procedure 6220SP.F),
7. grants (covered by Procedure 6220SP.F),
8. revenue-producing contracts (covered by Procedure 6220SP.F),
9. software and related services (covered by Procedure 6220SP.F),
10. contracts which do not involve costs or the exchange of money (covered by Procedure 6220SP.F).

In all cases, District staff must use prudent business practices, competition to the extent feasible, and contracts and contract forms which have been approved by the General Superintendent Procedure 6220SP.D

Counsel's Office.

Work pursuant to covered contracts shall not commence until final contract approval is secured execution.

II. PROCEDURES

A. Responsibilities:

1. The department seeking to obtain the services (the “Initiator”) shall:
 - a. provide all necessary support and information to Procurement as requested,
 - b. prepare a standard form requisition, and assure that sufficient budget authority is available and committed to pay for the services, and
 - c. prepare all documentation as required by Procurement.
2. The Finance Department shall:
 - a. provide necessary review and approval of budget availability, and
 - b. confirm that adequate budget is available.

B. Common steps for all contracts:

1. Define need or Statement of Work (Initiator).
2. Identify estimated cost of services and source of funds (Initiator).
3. Determine selection process (Procurement in conjunction with Initiator).
4. Determine contract format (Procurement in conjunction with Legal Office).
5. Conduct selection process (Procurement in conjunction with Initiator).
6. Prepare documentation for selection process (Initiator in conjunction with Procurement).
7. Obtain approvals (Initiator).

C. Competitive Process for Service Contracts under \$~~25,000~~40,000:

1. The department manager or school principal shall obtain such competition as appropriate under the circumstances, although competition is not required under \$~~25,000~~40,000, except for contracts ~~funded-paid using~~by federal grant funds. **For contracts funded-by paid using federal grant funds, the initiator must either conduct a competition or provide sole source documentation in excess of the Simplified Acquisition Threshold in 2CFR 200.88.**

The Initiator must also complete a purchase order through Procurement or must complete a Personal Services contract. Please see Procedures 6220SP.A, 6220SP.B, and 6220SP.G. **Note: A requisition is not a purchase order, and a requisition does not constitute a contract.**

2. Upon request, Procurement will provide the Initiator with a standard contract format for use.

D. Competitive Process for- Contracts between \$~~25~~40,000 and \$~~50~~75,000:

1. In some cases, conducting an informal competition (“RFP lite”) for contracts between \$~~40~~25,000 and \$~~75~~50,000 is appropriate. Procurement will make a determination ~~about~~ whether or not to use informal competition for a contract in this range on a case-by-case basis upon consultation with the initiator.

If an informal competition is deemed appropriate, the initiator shall provide Procurement with all required documentation, including a statement of work, the estimated cost of the contract, the proposed evaluation process, and the results of the evaluation process. Procurement shall conduct the informal competition in conjunction with the initiator.

Procurement shall consult with the Legal Department if there are questions about whether ~~or not~~ this informal process should be used.

2. Typically, a notice of the informal competition would not be advertised in a daily newspaper, but rather would be sent electronically to two or more vendors, who would be required to respond by a specific deadline with their proposal.
3. Procurement shall be responsible for maintaining the contract documentation.

NOTE: The informal competitive process (“RFP lite”) cannot be used for selecting Architects and Engineers.

E. Competitive Process for Services Contracts above \$750,000:

1. Advertisements. Procurement shall use the combination of advertising in the Daily Journal of Commerce or other newspapers, letters to vendors, and notices in other locations which it believes will assure the most competitive selection. The initiator shall be responsible for advertising costs.
2. Competitive Bids, Request for Proposals (RFPs) and Request for Qualifications (RFQs). Procurement, in consultation with the Initiator, shall choose from the following methods to select a contractor, using the method deemed most likely to produce a competitive selection in a timely manner. Procurement may utilize any of the following competitive processes, as appropriate:
 - a) Requests for Proposals RFPs. This is the primary means of obtaining consulting services. Vendors are requested to submit proposals for the specific services desired, showing qualifications and content of their proposal. The proposals are evaluated by a team of Initiators and Procurement (and Legal Counsel where appropriate). Typically, a short list of vendors is then interviewed. The District selects the proposal that is in its best interest, all factors considered. Criteria are set forth in the RFP, and the results are documented in the Procurement file.

Contract awards from Requests for Proposals are typically done via a personal services contract. ~~Before a personal services contract can be completed, the initiator must comply with the requirements for personal services contracts at:~~

<https://inside.seattleschools.org/area/sap/sapforms.xml>

- b) Competitive Bids \$7525,000 and Over: Formal Written Bids. Primarily to be used for routine services, such as testing or maintenance, which usually are billed at an hourly or unit rate.

- c) Competitive Quotes (from \$4025,000 to \$75,000). Quotations may be used for contracts for testing, inspection, maintenance and other purchased services from \$4025,000 to \$75,000 which are billed at an hourly or unit rate. An informal competitive quote process may include quotes obtained by fax, email, or phone. Documentation describing the process used and quotes obtained must be maintained in the contract file.
- d) Sole Source Items: Justification Required. Competition is not required for contracts for unique items, or sole source services (services for which it is not practicable to obtain competition, or the services of a specific individual who has specialized skills or where time limitations make it impractical to obtain competition).

In such cases, the Initiator shall provide sole source documentation.-
 Please see Procedure 6220SP.A, Attachments 3 and 4.

- e) Requests for QualificationsRFQ. Where the District requires the same or similar services for several unrelated projects over an extended period, it may solicit statements of qualifications from vendors in the field. The statements are evaluated, and vendors who have the necessary qualifications and are available when the services are needed are selected. This process should be ~~redone every year or two~~ performed every three to five years, to assure open competition among vendors.
- f) Competitive Negotiations. The District may elect to negotiate with more than one vendor at a time, in order to obtain the best overall proposal for both quality of services and price. This process is usually conducted as part of an RFP, but may also be used for RFQs.

F. Preparation of Solicitation Documents. Procurement is responsible for preparation of the solicitation documents in conjunction with the Initiator, ~~and shall utilize a~~ standard format shall be utilized. Each Initiator shall be responsible for providing information to be incorporated into the solicitation documents regarding the exact services to be provided, including a scope of work, a schedule, and a list of potential contractors/vendors to be contacted, along with contact names and addresses. All Bids, Quotes, RFPs and RFQs shall be approved and issued by Procurement.

G. Aggregate Services and the Competitive Procurement Process. When determining the threshold for using competitive procurement processes, the following guidelines shall apply:

- a) Two contracts performed at or about the same time, at the same building, and by the same vendor are considered part of a single contract.
- b) A contract cannot be split into two or more parts to avoid bidding requirements.
- c) Once the aggregate amount for the contract is determined, the procurement may be split into more than one contract, as long as procurement processes are followed as if each contract were for the aggregate amount.

- d) When it is brought to the attention of Procurement that multiple schools are hiring vendors or contractors for the same service without competition, Procurement shall work with the Initiator to seek competition for future contracts.

H. Contract amendments and modifications:

1. All contract amendments and modifications must include an explanation with details appropriate to the circumstances. The documentation shall include an explanation regarding the reason for the change, as well as justification for the amount of the change, in sufficient detail to enable an experienced professional in the field covered by the service – e.g., an Architect, Engineer, Construction Management professional, or Information Technology professional – to understand the basis for the decision, including both the reason for the increase and the amount.
2. In addition to the above requirements, for any contract change or modification:
 - a) where the original value was more than ~~\$250,500~~,000 and the cumulative increase in the contract amount exceeds the lesser of 25% or ~~\$250,500~~,000, and again each time the cumulative increase exceeds an additional ~~\$250,500~~000; or
 - b) where the original value was between \$100,000 and ~~\$250,500~~,000 and the cumulative increase is more than 50% of the original contract value, the documentation shall explain the changes with details appropriate to the circumstances. The memo shall explain the reasons for the cumulative increase of the contract amount, and state whether the added work or services could effectively be competed separately. Factors to be considered include the relationship of the added costs to the scope of work, timing, location, skill needed, or opportunities for competition.

For example, where the original contract value was \$300,000, and the cumulative increase would be \$100,000, the memo is required even though the increase is less than ~~\$250,500~~000, because the percentage is more than 25%. For a services contract of \$5 million, a memo would be required for cumulative changes of more than ~~\$250,500~~,000, even though the percentage increase (5%) is much less than the 25% threshold.

3. School Board guidelines for modifications/amendments:

- a. If a single modification is over \$500,000 full board action is required for modification approval.
- b. If more than one modification causes the combined total contract modification amount to exceed \$500,000, the School Board must be notified through the appropriate Board Committee as an informational item.

This memo must be approved by the Director, Accounting

Director and the Assistant Chief Financial Officer~~Superintendent for Business and Finance, with a copy to the Accounting Manager.~~

4. A listing of non-construction contracts modifications, brief description of services, and values, excluding sales tax and contingencies between \$250,000 and \$500,000 will be taken to the Audit and Finance Committee on a quarterly basis as an information item.

I. Interim Contracts

Please see Superintendent Procedure 6220SP.H.

J. Contact with Competitors Prohibited: Exception for Delegation of Responsibility:

1. In order to assure fair competition and to avoid any appearance of impropriety, only Procurement personnel shall have any contact with potential contractors and vendors, from the time the Bid, RFP or RFQ is advertised until the final selection is made, except as part of the interview process. All interviews will be arranged by Procurement. Exceptions may be made for informal competitions in the \$~~2540~~,000 to \$~~5075~~,000 range; in those cases, the initiator may have limited contact with the vendor.
 2. In specific situations, Procurement may delegate to the Initiator the responsibility for conducting part or all of the competitive process. In each case, Procurement retains final responsibility for maintaining adequate documentation of the process used and for the final contract in conjunction with the Legal Office.
- K. Documentation Required. Each Initiator shall be responsible for providing Procurement with documentation as required for the competitive solicitation, which typically includes the following: a memo from the Initiator recommending an award to the vendor or contractor, the evaluation results for the RFP or RFQ, reference checks for the successful vendor, a copy of the Board minutes approving the contract, and a copy of the final, ~~signed-executed~~ contract.
- L. Standard Contract Forms Required – Exceptions
Standard forms of contracts shall be developed by Legal Counsel for use by Procurement. Exceptions shall be approved by Legal Counsel.
- M. Role of Legal Counsel.
1. Legal Counsel shall advise and assist as requested in preparing contract forms, approve all standard forms and exceptions, and review unique contract provisions. As requested by Procurement, Counsel shall (i) assist in preparation of solicitation documents and contracts, (ii) advise on selection procedures and pricing formats, and (iii) serve as a member of the negotiation team for complex procurements.
 2. Counsel shall provide advice on statutory requirements and sole source determinations, and shall be responsible for handling all bid protests. Counsel shall (i) approve the form of all solicitation documents, (ii) approve final contract language for all non-standard contracts, and (iii) approve contracts according to the Responsibilities for Review, Approval, and Execution of Contracts and Other Agreements (the “matrix”).
- III. **EXCEPTIONS AUTHORIZED**
Only the Superintendent or ~~Assistant Superintendent for Business and Finance~~Chief Financial Officer, or designee, may authorize exceptions to this procedure.

Approved: February 2012
Revised: DATE
Cross Reference: Board Policy No. 6220

Superintendent Procedure 6220SP.E Competitive Bids for Construction Projects, Materials, Equipment and Supplies



Approved by: s/S. Enfield Date: _____

2/28/12 ~~DATE~~ Dr. Susan Enfield ~~Denise~~

Juneau, ~~Interim~~ Superintendent

The District shall require sealed bids on all major construction projects (~~over~~ \$200,000), in accordance with RCW 28.335.190, as amended from time to time, and in accordance with other applicable laws regarding retaining bonds and apprenticeship requests, as well as good business practices, unless a project is let using the small works roster process.

~~The sealed bid process may be used for projects under \$200,000 at the discretion of the Director of Facilities. Note: dollar references exclude sales tax and contingencies.~~

The competitive process will contain the following as appropriate to the project:

- Scope of work
- Terms and conditions
- Schedules and schedule changes
- Warranty requirements and changes
- Dispute resolution procedures
- Safety and environmental compliance requirements
- Vendor list
- Public notice and advertising for the bid
- Pre-bid conference
- Addenda
- Public bid opening
- An award of the contract, including approval by the Superintendent, his/her designee, or the School Board

Contracts shall include provisions addressing contract schedules, warranty changes, dispute resolution, safety, environmental compliance, and other provisions appropriate to the project.

~~The Contracting Services~~ section shall be in charge of the sealed bid process for all projects except for those completed by the HUBS/Small Works section.

Approved: February 2012

Revised: DATE

Cross Reference: Board Policy No. 6220

Superintendent Procedure 6220SP.F

Miscellaneous Contracts



Approved by: ~~s/S. Enfield~~ Date: ~~2/28/12~~

~~Dr. Susan Enfield~~ Denise Juneau, Interim
Superintendent

The District engages in contracts which involve grants, revenue-producing contracts, real property, information technology, interagency agreements, user agreements and no-cost contracts, legal, insurance and financial services, and utilities. In all cases, District staff must use prudent business practices, competition to the extent feasible, and contracts and contract forms which have been approved by the General Counsel's Office.

I. GRANTS

The Seattle School District welcomes grants that assist the District in meeting student academic needs and the District's goals.

The term "grant" refers to an award of funding to a department, a school, or an individual within the District based upon a request for funding. The term "grant" does not include Revenue-Producing Contracts as described in Part II of this Procedure. The term "grant" does not include gifts and donations. Gifts and Donations are covered in Board Policy 6114.

Grant awards are designated for specific purposes and are usually accompanied by a statement of terms and conditions that guide the District or school on the use of these funds. The award document normally includes a written description of the approved program, including a line-item budget, a statement of the specific terms of conditions of the award, and information on how funding under the award can be accessed by the District. In accepting the award, the District accepts and honors the obligation to expend the grant funds in accordance with the terms of the award.

The grant award must meet all of the following criteria:

- (1) It must be consistent with the District's mission, core values, beliefs, and goals.
- (2) It must have a value or benefit that is greater than the obligation under the grant award.
- (3) It must be consistent with Board policies and administrative procedures.
- (4) It cannot create or increase inequities in funding.
- (5) It cannot violate bargaining unit agreements.
- (6) It cannot usurp management rights.
- (7) It cannot carry any conditions that would divert school or District efforts away from the District's primary mission.
- (8) It cannot expose the District to insurance losses or risk.
- (9) It cannot commit the District to unbudgeted or unplanned expenditures.

All grants shall be coordinated through the Grants Office. The Grants Office, in conjunction with the grant applicant, shall review all grant applications to ensure that they meet the criteria described above.

All grant applications must be approved by Financial Services and the director of the organization involved. Every grant application which involves a school must also be approved by the appropriate Education Director.

All grant agreements over \$1,000 must be approved by the Grants Office, the appropriate director, and the Financial Services Department. The Office of the General Counsel shall also approve all grant agreements over \$1,000. All approving parties must certify that the criteria listed above are met.

The Seattle School Board authorizes the Superintendent to approve and accept grants with the following exceptions:

- (1) If the grant award is new and exceeds \$~~250,000~~~~250,000~~ over the total grant period.
- (2) If Board approval is mandated by the funding agency.
- (3) If there is a “cash match” or “in-kind match” requirement during the total period of the grant that requires a financial obligation in excess of \$~~250,000~~~~250,000~~.
- (4) If there are funding obligations after the grant expires.
- (5) If the Superintendent believes that it would be in the best interest of the District to have the grant approved by the Board.

A grant award that contains one or more of these exceptions must be approved by the Board before the District can accept funds under the grant.

Once the District accepts the award, the District will have decision-making and signature authority to manage the award in accordance with the terms and conditions of the executed agreement.

II. REVENUE PRODUCING CONTRACTS

Revenue-producing contracts are those in which the District receives compensation for allowing third parties to use its facilities, such as vending machine contracts. All such contracts will be coordinated by Procurement and Distribution Services, using prudent business practices. Approvals and execution shall be the same as for Services Contracts. This Procedure does not cover Building Rentals, which are covered in Board-adopted Policy 4260, Use of School Facilities.

The Seattle School Board authorizes the Superintendent to approve and accept revenue-producing contracts with the following exceptions:

- (1) If the revenue-producing contract award is new and exceeds \$~~250,000~~~~250,000~~ over the total period of the agreement.
- (2) If Board approval is mandated by the funding agency.
- (3) If there is a “cash match” or “in-kind match” requirement during the total period of the contract which requires a financial obligation in excess of \$~~250,000~~~~250,000~~.

(4) If there are funding obligations after the revenue-producing contract expires.

(5) If the Superintendent believes that it would be in the best interest of the District to have the revenue-producing contract approved by the Board.

A revenue-producing contract that contains one or more of these exceptions must be approved by the Board before the District can accept funds under the contract.

Once the District accepts the contract, the District will have decision-making and signature authority to manage the contract in accordance with the terms and conditions of the executed agreement.

III. REAL PROPERTY

Real Property transactions include the purchase and sale of land and buildings, easements and other covenants which run with the land. They do not include hourly rentals of space within a building.

All purchases and sales of land, leases over 10 years regardless of value, and lot boundary adjustments affecting more than 5,000 square feet of District land shall be approved by the School Board. The Superintendent and property manager shall be authorized to execute any deeds and other implementing documents associated with transactions approved by the School Board.

Any leases under five years, lot boundary adjustments involving less than 1,000 square feet, and easements and covenants running with the land may be approved and executed by the property manager.

IV. INFORMATION TECHNOLOGY

Information Technology includes but is not limited to the following:

Equipment: Computers, Laptops, Macs, servers, routers, network switches, cabling, telecom gear, and/or services related to implementing, installing and or servicing/maintaining the above.

Software: Packaged software, custom software, programs, operating systems, databases, data stores, data warehouses, and/or services related to implementing, installing and or maintaining the above.

Services: Data architecture, data analysis, systems analysis, business systems analysis, implementation services, integration services, systems programming and management, database administration, E-rate services, data security services, and technology training.

For purposes of contracting requirements, software and related services are considered a service. This includes both the electronic program (in electronic and paper versions) and supporting documentation and manuals, and implementation or consulting services to load, modify or implement the software so it can perform its intended purpose. While software may be selected based on the unique characteristics of the program, and competition is often not practical or appropriate, consideration shall be given to obtaining competition, and the decision documented in the contract file. If the software

purchase is made on a sole source basis, the sole source justification must be completed, approved, and included in the contract file. Where practical, competition can and

should be used in obtaining the best price, terms, and service from dealers and distributors.

The form of agreement shall be reviewed and approved by the General Counsel's Office.

V. INTERAGENCY-INTERLOCAL AGREEMENTS

The District engages in two types of Interagency-Interlocal Agreements:

- (1) An agreement with another agency, in which the agency has already conducted competition and obtained terms and conditions, and
- (2) A direct agreement between two or more agencies.

Interagency-Interlocal agreements are routine and normal ways of doing business in a public agency. Procurement can assist the Initiator in implementing such agreements.

Interagency-Interlocal agreements will be reviewed against the following criteria:

- (1) Were the agency's competitive practices comparable to the District's?
- (2) Was the competition for the same product or service for which the agreement is being made?
- (3) Are the terms and conditions in the agreement satisfactory to the District?

The form of agreement shall be reviewed and approved by the General Counsel's Office.

VI. USER AGREEMENTS AND OTHER NO COST CONTRACTS

The Sponsor who engages in the user agreement or no-cost contract is responsible for assessing whether the agreement imposes any requirements on the District.

All such agreements must be reviewed and approved by the General Counsel's Office.

VII. LEGAL, INSURANCE, AND FINANCIAL SERVICES

These contracts are unique in that no formal competition is required. District staff are responsible for using prudent business practices when engaging in these contracts.

VIII. UTILITIES

If the utility is a monopoly, no competition is required. To the extent that the utility is not a monopoly, District staff must compete the contract and treat it as if it were a personal services contract.

Approved: February 2012

Revised: DATE

Cross Reference: Board Policy No. 6220

Superintendent Procedure 6220SP.F

Superintendent Procedure 6220SP.G Purchasing



Approved by: ~~s/S. Enfield~~ Date: ~~2/28/12~~
Dr. Susan Enfield Denise Juneau, Interim
Superintendent

I. APPLICATION

The District uses a variety of processes for the purchase of materials and goods. The term “purchased goods” refers to all items except for curriculum materials, personal services, public works/construction, and client services.

The goal of the purchasing process is to provide schools, departments, and programs with materials and services in a timely, cost-effective way, using sound business practices.

II. APPROVAL PROCESS AND LIMITATIONS

The approval process for purchasing is documented in the [Staff Superintendent Procedure 6220SP.A - Attachment 1 Procedures for Contracting, Procedure 1, Responsibilities for Review, Approval](#), and Execution of Contracts and Other Agreements.

Individual schools and departments are prohibited from making financial arrangements or agreements with public or private individuals or organizations, institutions, or businesses in ways other than those outlined in the [Staff Responsibilities Procedures for Review, Approval](#), and Execution of Contracts and Other Agreements. In addition, individual schools or departments are prohibited from making any expenditures that are not provided for in the budget.

Principals, Program Managers, Department Managers, or other staff who commit the District to financial obligations without proper authorization are subject to disciplinary procedures, up to and including termination [and may be held personally responsible for payment of such obligations](#).

A staff member who commits an unauthorized procurement will be required to complete an Unauthorized Procurement Ratification Request, and may be required to justify this procurement to the Superintendent’s Executive Leadership [Committee Team](#).

III. ETHICS AND CONFLICT OF INTEREST

All financial and business transactions of the District shall be carried out in conformity with law and consistent with sound [and ethical](#) business practices. [The District will make purchasing decisions based on](#) ~~shall be made on the basis of~~ objectivity and [shall will](#) not be influenced by friendships or other personal relationships.

No District employee, or School Board member may participate in or influence a District or school decision to purchase or contract for goods and services, where such employee or Board member has a financial interest, direct or indirect, in such a purchase or

contract. “Financial interest” as used in this Procedure shall not include “remote interests” as defined in state law, but shall include direct or indirect financial interest arising from purchases or contracts with Board members’ or employees’ immediate family (i.e., family members sharing the same household or in a relationship of financial support).

Approved: February 2012

Revised: [DATE](#)

Cross Reference: Board Policy No. 6220, [Board Policy No. 5251](#)

Superintendent Procedure 6220SP.H

Board Action ~~Memo-Report~~ Requirements for Contract Actions



Approved by: s/S. Enfield Date: 5/16/12

~~Dr. Susan Enfield~~ Denise Juneau, ~~Interim~~
Superintendent

I. Application

The District uses a standard School Board ~~Briefing/Proposed~~ Action Report (BAR), ~~School Board Action Description~~, and a ~~Briefing~~ BAR Routing Form for all actions requiring Board approval per Policy 6220.

The ~~Briefing~~ BAR Routing Form is required for all Board Action Memos. It is not required for other documents.

These templates are available on the mysps School Board department website here:

<http://inside.seattleschools.org/area/board/forms.xml>

~~Per Board Policy 6220, Procurement, all contracts for more than \$250,000 initial value, excluding sales tax and contingencies, and changes or amendments of more than \$250,000, excluding sales tax and contingencies, must be approved by the School Board.~~

~~Board Policy 6220 is available here:~~

~~<http://www.seattleschools.org/modules/groups/homepagefiles/ems/1583136/File/Policies/Board/series6000/6220.pdf>~~

For contracts and grants requiring Board approval, the sample motion must include language similar to the following:

I move that the School Board authorize the Superintendent to execute a contract with (name of the agency or vendor) in the amount of \$(amount) for (purpose of the contract) in the form of the draft Agreement dated (date) and presented to the School Board, with any minor additions, deletions, and modifications deemed necessary by the Superintendent, and to take any necessary actions to implement the contract.

If a contract or grant requires Legal review, then both the School Board Action Memo and the contract or grant must receive Legal review and approval before these documents are to be formally introduced to the full Board. While they can be introduced to the appropriate committee prior to Legal approval, it is recommended that Legal review be requested early in the process.

Contracts submitted to the Board should be complete, with any exceptions noted. The ~~Board Action memo~~BAR should disclose and discuss any special features of the contract or procurement process (e.g., competitive or sole source), negotiations (e.g., if the contract is not complete, if any contract provisions have not been resolved, or if any contract provisions require future information to determine the final price), and/or any special need for the services or items.

II. Interim Contracts

From time to time, the District elects to engage a consulting or construction firm under an interim contract. This is typically done when project deadlines make it imperative to start work before School Board approval of the primary contract can be obtained. The contract is for a small amount for services over a short period of time. **Under no circumstances shall the interim contract commit the District to use the contractor for the primary contract without the requisite Board or senior management approval.**

Two issues, transparency and accountability, must be addressed for such actions:

- (a) assuring that the ultimate approving authority is aware of the fact that the services were already started (transparency), and
- (b) assuring that the interim contract is approved at a senior management level (accountability).

The initiator is responsible for obtaining approvals from the Superintendent or ~~Assistant Superintendent for Business and Finance~~designee as if the smaller, interim contract were for the entire contract amount. If the primary contract requires Board approval, the interim contract shall be approved by either the ~~Assistant Superintendent for Business and Finance~~Chief Financial Officer or the Superintendent, regardless of the amount. Interim contracts are not permitted for contracts which do not require Board approval.

The initiator must also disclose in the ~~Board Action Memo~~BAR that the District has entered into an interim contract, must state the reasons why, and must provide the Board with sufficient information to make an informed decision about the contract.

III. Contracts which exceed available project contingency

District staff are responsible for notifying the School Board whenever the expected amount for a contract will exceed the available project contingency. This applies to all contracts, including those for construction. The initiator should use the ~~School Board~~BAR Briefing/Proposed Action Report, and check the box entitled “Informational (no action required by Board)”. The report shall describe why the increase happened, what steps have been or will be taken to minimize the increase, and the source of any funding required to pay the costs.

Approved: May 2012
Revised:

