

# Superintendent Procedure 6220SP.F

## Miscellaneous Contracts

Approved by: s/Dr. Brent C. Jones Date: 6/30/22

Dr. Brent Jones, 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, Gifts, Grants, Donations and Fundraising Proceeds.

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 Director of Schools.

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 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.
- (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 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.
- (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 5 years regardless of value, or leases for a total rent of \$250,000 for the term of the lease, and lot boundary adjustments affecting more than 5,000 square feet of District land shall be approved by the School Board. The Superintendent or designee shall be authorized to execute any deeds and other implementing documents associated with transactions approved by the School Board.

Any leases under five years and less than \$100,000 shall be approved by the Assistant Superintendent of Business and Finance. Leases under five years between \$100,000 and \$250,000 shall be approved by the Superintendent/designee. 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.

Refer to School Board Policy No. 6882 Rental, Lease and Sale of Real Property.

### IV. INFORMATION TECHNOLOGY

Information Technology includes but is not limited to the following:

**Equipment:** Computers, Laptops, Macs, iPads, 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. INTERLOCAL AGREEMENTS

The District engages in two types of 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.

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

Interlocal agreements will be reviewed using the following criteria:

- (1) Were the agency's competitive practices comparable to the District's?
- (2) Was there 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 services contract.

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Cross Reference: Board Policy No. 6220, 6114

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