

# Superintendent Procedure 6220SP.H

## Board Action Report Requirements for Contract Actions



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

Dr. Brent Jones, Superintendent

### I. Application

The District uses a standard School Board Action Report (BAR) and a BAR Routing Form for all actions requiring Board approval per Policy No. 6220.

The 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.

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 Report 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 of the contract, 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 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 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 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 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 BAR, 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: June 2022

Cross Reference: Board Policy No. 6220