

**NEWPORT SCHOOL DEPARTMENT****Purchasing Policies****TABLE OF CONTENTS**

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## **SECTION I. AUTHORITY**

These regulations are adopted pursuant to the authority contained in Section 44-5-9, General Laws of Rhode Island, 1956, 1988 Reenactment, as amended.

## **SECTION II. EXCLUSIONS**

Contracts for professional, municipal or quasi-municipal services as those terms are commonly understood, or as they may be hereafter defined by ordinance or regulation, are hereby expressly exempted from the terms of these regulations and shall be subject to purchase by direct negotiation by the Newport School Committee.

## **SECTION III. APPLICABILITY**

Procurements, not to exceed an aggregate amount of ten thousand (\$10,000.00) dollars for construction and five thousand (\$5,000.00) dollars for all other purchases shall be made in accordance with these regulations. These amounts shall be increased or decreased annually hereafter at the same rate as the Boston Regional Consumer Price Index. Procurement requirements shall not be artificially divided so as to constitute a small purchase under Section 45-55-9, General Laws of Rhode Island. For purposes of these regulations the terms "procurement" and "construction" shall be defined as in Section 45-55-4, General Laws of Rhode Island.

## **SECTION IV. PURCHASING AUTHORITY**

No purchase of any good or service under Section 3.2 of these regulations by or on behalf of the Newport School Department, its departments, agents or employees shall be valid and enforceable against said School Department, unless such purchase shall have been approved by the majority vote of the Newport School Committee of the Newport School Department, except as otherwise permitted by the terms of these regulations; and said School Committee shall have the following final powers and discretion's with respect to all purchases:

- (a) To purchase or contract for all supplies, materials and equipment required by any office, department or agency.
- (b) To establish and enforce specifications with respect to supplies, materials and equipment required by the Newport School Department.
- (c) To be responsible for the inspection of deliveries of supplies, materials and equipment and to determine their quality, quantity and conformance with specifications and to have authority where personal inspection is not feasible to delegate said responsibility.

- (d) To transfer to or between offices, departments or agencies surplus, obsolete or unused supplies, materials and equipment and to sell any School Department property as may be authorized by the School Committee.
- (e) To be responsible for the storage and distribution of all supplies, materials and equipment used by any office, department or agency and to have charge of any general store rooms and warehouses of the School Department.
- (f) To delegate any or all of the above to the Superintendent of Schools upon majority vote.

#### **SECTION V. DISCRETIONARY PURCHASE NOT REQUIRING PRIOR APPROVAL**

The Purchasing Agent, Superintendent of Schools, or the Finance Director, acting on behalf of the School Committee, may approve the purchase of any previously budgeted item or items otherwise reasonably necessary or incidental to the day to day functioning of School Department offices and departments, without prior approval of the School Committee providing that such purchase shall be in a sum less than \$5000.00.

In the case of purchases of less than \$1000.00 such purchases may be made without the necessity of seeking competitive bids.

In the case of purchases costing \$1000.00 or more but less than \$5000.00, informal quotations or informal competitive bids shall be necessary, but approval by the School Committee shall not be necessary.

Such discretionary purchases shall be deemed ratified as if expressly authorized by the School Committee at the time the Superintendent of Schools or Finance Director first approves the purchase.

In the case of purchases estimated to be over \$5000.00, sealed competitive bids shall be necessary, and approval by the School Committee shall be necessary using a School Committee Resolution.

#### **SECTION VI. SEALED BID PURCHASING REQUIREMENTS**

Each purchase which is not a discretionary purchase as set forth in the foregoing section shall be subject to the following requirements and procedures:

- (a) Competitive bids shall be sought by methods prescribed, either by solicitation, advertising, or both, by the Purchasing Agent as he/she shall, in his/her sound discretion, deem warranted under the circumstance of each case.
- (b) Upon receiving the report of the Finance Director, the School Committee, by majority vote shall award the purchase to the lowest responsible bidder

provided. However that the School Committee need not award the bid to the lowest responsible bidder if any one of the following concerns in considered by the majority of the School Committee to be simultaneously overriding and in the best interests of the School Department:

1. the goods or services to be provided are or are likely to be substantially higher quality than those of the lowest bidder, or
2. the terms of delivery are substantially better than those of the lowest bidder, or
3. the availability and likely quality of post-purchase maintenance and repair or
4. warranty provisions are substantially better than those of the lowest bidder, or
5. the relative compatibility of the goods and services to be purchased with those already in service are substantially better than those of the lowest bidder, or
6. when it is clearly in the best interests of the School Department to continue to maintain the long standing goodwill of any particular vendor.

#### **SECTION VII. CONDITIONS FOR DISCRETIONARY PURCHASES**

Discretionary purchases required to be made by competitive bid shall be subject to the same conditions as set forth in Section 6b.

#### **SECTION VIII. SPECIAL RULES AND REGULATIONS**

The School Committee may make any and all such special rules and regulations affecting any specific bid purchase from time to time as necessary and relevant under the circumstances concerning any such purchase provided. However, those all-responsive bidders are provided with notice of such special regulations and an opportunity to inspect the same prior to the submission of a bid.

#### **SECTION IX. SOLE SOURCE PURCHASES**

If it is found that a requested purchase is of such a character as to mandate purchase from one and only one source, or if circumstances surrounding said purchase make competitive bidding impossible or impractical, then such purchase may be exempted by the School Department from the competitive bidding requirements of these regulations.

## **SECTION X. EMERGENCY PURCHASES**

In the event that unforeseen circumstances require an immediate purchase to insure the continued effective operation of government, or to insure the health and safety of the inhabitants of the School Department, and where the failure to make such purchase is likely to have an immediate adverse and irreparable effect upon the continued effective operation of the government or health and safety of the School Department, the Superintendent of Schools, Finance Director or Chairperson of the School Committee are hereby authorized to make such purchase exempt from approval of the School Committee and from the competitive bidding requirements of these regulations, provided however that in making such an emergency purchase the Superintendent of Schools or Finance Director or Chairperson of the School Committee may not cause a budget deficit without the approval of a majority of the School Committee.

## **SECTION XI. APPLICATION OF THESE REGULATIONS TO OTHER ENTITIES**

- (a) The provisions of these regulations shall not apply to purchase by the School Department, said purchases being already governed by a Charter provision requiring competitive bids.
- (b) The provisions of these regulations shall apply to purchase made by non-governmental organizations, which have been given municipal funds to use for a specific purpose. They shall not apply to cases where municipal funds have been given to non-municipal organizations for ordinary operating expenses.

## **SECTION XII. SEVERABILITY**

If any part of these regulations is held unconstitutional, or otherwise invalid or unenforceable, by a judicial court of competent jurisdiction, the other remaining portions of these regulations not affected thereby shall remain in full force and effect.

## **SECTION XIII. EFFECTIVE DATE**

These regulations shall take effect upon their adoption by the Superintendent of Schools or School Committee.

## **SECTION XIV. GENERAL PURCHASING GUIDELINES**

The following are general purchasing guidelines for effective procurement throughout the Newport School Department.

a. **Requisitions:**

1. A Requisition shall be used as a method of requesting supplies and/or services for the School Department. This is to aid in the Ordering and Billing of Purchase Orders Issued.
2. A requisition shall be submitted prior to purchase, unless the Purchasing Agent issues a verbal, electronic or by other means, a Purchase Order. A requisition shall be submitted within 24 hours after the Purchasing Agent issued the Order as stated above.

b. **"Draw-Down" or "Monthly" Purchases:**

1. "Draw Down" requisitions are used to encumber/obligate funds for small dollar (under \$1,000.00) for small end use supplies where multiple requisitions are not feasible.
2. "Draw-Down" requisitions are used for Telephones, Copy Machine Rental/Maintenance and or any identified purchase that is repetitive in nature.
3. "Draw-Down" requisitions shall be submitted at a minimum on the first of each month. Funds shall be encumbered for that month only. A "Draw Down" can be provided for monthly, quarterly or yearly requirements.

c. **Dollar limits:**

1. For purchases under \$1,000.00 no competitive requirement is necessary.
2. Purchases between \$1,000.00 and \$5,000.00 a minimum of three informal quotes or Sole Source Justification, in memo form, with approval of the Superintendent of Schools using a determination letter as documentation.
3. For purchases estimated at over \$5,000.00, Sealed Bid is necessary.
4. State Bid (Master Pricing Agreement) (<http://www.rilin.state.ri.us/Statutes/TITLE37/37-2/37-2-56.HTM>) purchases do not have competitive bid requirements. The State Bid (MPA) number must be listed on the requisition.

d. **Sealed Bids for purchases estimated over \$5,000.00:**

1. Formal Sealed bid must be advertised for not less than 7 days and not more than 21 without special circumstances.
2. All Sealed bids (Request of Bid or Request for Proposal actions) must go through the Purchasing Agent.
3. After Formal Public opening of a sealed bid, all recommendation letters shall be forwarded for correlation to the Purchasing Agent.

4. The Purchasing Agent will award only after School Committee approval by Resolution.
5. Chapter 2.112.030 of the City of Newport Code of Ordinances allows, after sealed bids have been made, and when amounts fall between \$5,000 and \$10,000, the utilization of the Awards Committee for award. Requests to utilize the Awards Committee are made to the Purchasing Agent and the bid packet, including all submittals, are reviewed by the Purchasing Agent, a Departmental Representative, and an uninterested third party from the School Department. Once consensus is made, the approval is submitted to the Director of Finance/Business Manager for award.
6. Pursuant to Section 45-40.1-4 (f) of Rhode Island General Laws, Interlocal Contracting and Joint Enterprises states, “(f) Every agreement made under this chapter shall, prior to and as a condition precedent to its entry into force, be submitted to the attorney general who shall determine whether the agreement is in proper form and in compliance with the laws of this state. The attorney general shall approve any agreement submitted to him or her unless he or she finds that it does not meet the conditions established by this chapter, and shall state, in writing, addressed to the governing bodies of the public agencies concerned, the specific respects in which the proposed agreement fails to meet the requirements of law. Failure of the attorney general to disapprove an agreement submitted under this chapter within fifteen (15) days of its submission constitutes approval of the agreement.” When Cooperative Purchasing Agreements are approved by the State Attorney General’s Office, and the School Department wishes to utilize one of the approved agreements, the request must first be approved by the Newport School Committee.

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