

LEGAL: EMPLOYEES IN DISTRICTS THAT HAVE ADOPTED THE MODEL PROCUREMENT CODE ARE ACCOUNTABLE FOR COMPLYING WITH THE ETHICAL STANDARDS SET OUT IN KRS 45A.455.  
FINANCIAL IMPLICATIONS: NONE ANTICIPATED

FISCAL MANAGEMENT

04.32

### **Bidding**

#### **AUTHORITY**

Bidding procedures shall conform to the Model Procurement Code, KRS 45A.345 – KRS 45A.460.<sup>1</sup> All contracts or purchases shall be awarded by competitive sealed bidding or competitive negotiation, both of which may include the use of a reverse auction, except as otherwise provided by law.<sup>2</sup>

All purchases of Kentucky Education Technology System (KETS) components shall adhere to KETS architectural standards and procedures.

The District may purchase supplies and/or equipment outside an established price contract of the federal government (GSA), the State Division of Purchases, a cooperative agency bid approved by the Board, or a District bid if:

1. The supplies and/or equipment meet the specifications of contracts awarded by the Division of Purchases, a federal agency (GSA), a cooperative agency, or a District bid;
2. The supplies and/or equipment are available for purchase at a lower price;
3. The purchase does not exceed \$2,500; and
4. The District's finance or purchasing officer has certified compliance with the first and second requirements.

Prior to purchase of education technology components defined in the master technology plan, the Department of Education must certify that the items to be purchased meet or exceed the specifications of components of the original equipment of manufacturers currently holding Kentucky price contracts.<sup>4</sup>

#### **ETHICAL STANDARDS**

To avoid conflicts that may arise during the decision-making process for procurement of services and products for the District, employees shall adhere to the ethical standards set out in KRS 45A.455.

#### **ITEMS BID/PURCHASED**

Except in cases of emergency, all "like" items purchased exceeding \$20,000 in a twelve (12)-month period beginning July 1 shall be purchased from an established price contract of the federal government (GSA), the State Division of Purchases, a cooperative agency bid approved by the Board or a District bid.<sup>1</sup>

#### **EXEMPTIONS**

Professional services may be exempted from competitive bidding.

NOTE: Federal regulatory requirements do not provide a bidding exception for purchase of perishables using school nutrition service funds. Such purchases must follow applicable federal regulations.<sup>7</sup>

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**Bidding****PREFERENCE FOR RESIDENT BIDDERS**

For all contracts funded in whole or in part by the District, the Board shall apply the reciprocal preference for resident bidders required by law. Geographical preferences relating to school nutrition service purchases may be utilized only as permitted by applicable federal law.<sup>3</sup>

**PURCHASES OF \$20,000 OR LESS**

Purchases of \$20,000 or less shall follow the District's small purchase procedures.<sup>5</sup>

**PRESENTATION**

Principals desiring purchases which must be bid must present the following to the Superintendent or designee: items desired, specifications, and names and addresses of potential vendors.

**TABULATION**

Bids shall be opened and tabulated by the Superintendent or designated representative. The tabulations will be acted on by the Board. Notification of bidders shall comply with legal requirements.

**BACKGROUND CHECK FOR CONTRACTORS**

The Superintendent shall require that a contractor submit, at no expense to the District, to a national and state criminal history background check by the Kentucky State Police and the Federal Bureau of Investigation in keeping with KRS 160.380. This provision shall become part of the contractual obligation of the contractor and shall be reflected in the bid specifications, or, if the contract is not subject to bid requirements, in the negotiations with the contractor.

"Contractor" shall refer to any adult who is permitted access to school grounds pursuant to a current or prospective contractual agreement with the school, school board, school district, or school-affiliated entity, at times when students are present. The term "contractor" includes an employee of a contractor.<sup>6</sup>

**REFERENCES:**

<sup>1</sup> KRS 45A.343

<sup>2</sup> KRS 45A.070; KRS 160.290; KRS 45A.380

<sup>3</sup> KRS 160.303; 200 KAR 5:400 KRS 45A.494

<sup>4</sup> KRS 156.076

<sup>5</sup> KRS 45A.385

<sup>6</sup> KRS 160.380

<sup>7</sup> 7 CFR 210.21 and 7 CFR 3016.36

OAG 79-501

OAG 82-170; OAG 82-407

KRS 45A.345; KRS 45A.360; KRS 45A.365; KRS 45A.370

KRS 45A.420; KRS 45A.445; KRS 45A.455; KRS 45A.460; KRS 45A.620

Kentucky Educational Technology Systems (KETS)

**RELATED POLICIES:**

05.6; 06.4; 07.13

LEGAL: HB 154 REQUIRES THAT THE FINANCE OFFICER PRESENT DETAILED FINANCIAL REPORTS TO THE BOARD AND THAT SUCH REPORTS BE POSTED ON THE DISTRICT WEBSITE FOR SPECIFIED PERIODS OF TIME AS REQUIRED BY LAW.  
FINANCIAL IMPLICATIONS: NONE ANTICIPATED

FISCAL MANAGEMENT

04.91

### **Financial Statements**

The Superintendent shall cause financial statements to be produced and reported in accordance with KRS 424.220 or applicable State provisions.

The finance officer shall present a detailed monthly financial report for Board approval to include the previous month's revenues and expenditures of the District. Financial reports shall be posted on the District website as required by law.

#### **REFERENCES:**

KRS 160.431

KRS 160.463

KRS 424.220

KRS 424.230

Governmental Accounting Standards Board

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