



# Purchasing Manual

## Table of Contents

Section 1 – DISD PURCHASING DEPARTMENT OVERVIEW .....	6
Mission Statement.....	6
Goals .....	6
Vision .....	6
Statutes, Regulations, and Policies.....	6
Section 2 – PURCHASING AUTHORITY .....	7
Section 3 – VENDOR RELATIONS .....	8
Approved Vendor List.....	8
Inactive Vendors.....	8
DISD e-Bid/Vendor Notification .....	8
New Vendors .....	8
Vendor Performance/Evaluation.....	8
Visits from Vendors .....	9
Section 4 – REQUISITION AND PURCHASE ORDER PROCESSING .....	10
Overview.....	10
Requisition.....	10
Requisition Approval and Purchase Order Issuance .....	10
Special Types of Requisitions/Purchase Orders .....	11
Open Purchase Order .....	11
Bulk Purchase Order .....	11
Procurement Card (P-Card) Purchases .....	11
Check Request .....	11
Intra-District Requisitions.....	11
Warehouse Requisition .....	12
Purchases from Child Nutrition .....	12
Requisitions by Departments for School Campuses.....	12
Purchase Order Closure.....	12
Non-compliant Purchase .....	12
Section 5 – Delivery and Receipt .....	13
Centralized Receiving .....	13
Decentralized Receiving .....	13
Receiving Records.....	13
F.O.B. Destination.....	13

FOB Origin.....	14
Resolving Discrepancies .....	14
Section 6 – COMMODITY CODES.....	15
Related Statutes and Regulations .....	15
Texas Education Code, Purchasing Contracts sections 44.031 .....	15
Federal Regulations .....	15
Section 7 – TECHNOLOGY PURCHASES.....	16
Hardware Purchases.....	16
Software Purchases .....	16
Ordering Approved Software .....	16
Ordering Unapproved Software .....	17
Section 8 – FOOD GUIDELINES .....	18
Meeting Meals.....	18
Allowable Expenditures.....	18
Campus Guidelines .....	18
Department Guidelines .....	18
District-Wide Committees/Trainings.....	18
Volunteer/Non-District Staff .....	18
District Key Officials.....	19
Requisition Entry for Meals .....	19
Staff Appreciation.....	19
Budget Transfers to the “TL” and “EA” accounts .....	19
Section 9 – APPAREL GUIDELINES .....	20
Campus/Department Owned Apparel.....	20
Apparel Fundraiser/Sale.....	20
Apparel as Part of a Class Fee.....	20
Apparel for Student Activity Group.....	20
Staff Spirit Shirts .....	20
Donations of Apparel.....	21
Section 10 – PURCHASING WITH PETTY CASH .....	22
Purchases at Conferences with Petty Cash .....	22
Section 11 – USE OF PUBLIC FUNDS .....	22
Section 12 – PURCHASING EHTICS .....	23
Section 13 – CONTROL ENVIRONMENT.....	24

Responsibilities.....	24
Section 14 – COMPETITIVE PROCURMENT.....	26
Centralized Purchasing Function .....	26
Decentralized Decision Making .....	26
Purchases over \$150,000 (Board Approval Required) .....	26
Purchases over \$50,000 .....	26
Exceptions to Competitive Bidding - Texas Education Code 44.031 .....	27
Professional and Consulting Services .....	27
Emergency Purchases.....	27
Sole Source Purchases.....	28
Advertisement .....	28
Competitive Procurement .....	28
Procurement Utilizing Federal Funds .....	28
Micro-Purchase Procurement .....	28
Small Purchase Procurement .....	29
Tie Bids .....	29
Competitive Sealed Proposals (CSP).....	29
Request for Proposals (RFP) .....	29
Evaluation/Contract Award Criteria .....	30
Out-of-State Bidders.....	30
Purchasing Methods Regarding Facilities Construction .....	30
Cooperative/Interlocal Agreement Purchases .....	30
Cooperatives Currently Utilized by DISD .....	30
APPENDIX A – STATUTES, REGULATIONS, AND BOARD POLICIES .....	32
Texas Education Code, Purchasing Contracts (Primarily sections 44.031 through 44.047).....	32
Texas Education Agency (TEA) Financial Accountability System Resource Guide Purchasing Module .....	32
Denton Independent School District’s Board Policy (Sections CH) .....	32
Federal Regulations.....	32
HB1295 .....	32
Divestment Statutes .....	32
APPENDIX B – PURCHASING ETHICS STATUTES AND REGULATIONS .....	33
Denton ISD Board Policy and Administrative Regulation .....	33
Texas Education Code 44.032.....	33



## Section 1 – DISD PURCHASING DEPARTMENT OVERVIEW

### Mission Statement

To support Denton ISD's staff and students by providing exceptional customer service and by procuring materials and services of high quality and best value to support academic success. All in accordance with state and federal guidelines, District policies and sound ethical business practices.

### Goals

- Provide customer satisfaction through effective and cooperative relationships with internal and external customers.
- Maximize savings and revenue generation potential.
- Provide education and training related to the policies, procedures, processes, and regulations related to the acquisition of goods and services.
- Promote a positive, efficient, and effective work environment.
- Implement, promote, and maintain sound business practices and auditable procedures.

### Vision

To provide full and open competition with the highest ethical standards while meeting the needs of the District and Community.

### Statutes, Regulations, and Policies

As a publicly funded entity, Denton ISD is subject to numerous statutes, regulations, and policies. See Appendix A for a list of statutes, regulations, and policies applicable to the purchasing function of DISD.

## Section 2 – PURCHASING AUTHORITY

Under the Texas Education Code § 44.0312 (a), the board of trustees of the District may, as appropriate, delegate its authority under this subchapter regarding an action authorized or required by this subchapter to be taken by a school District to a designated person, representative, or committee

The following persons have been delegated authority to act as agents for DISD in carrying out the purchasing activities of the District:

- Superintendent or designee
- Deputy Superintendent
- Executive Director of Financial Operations
- Director of Purchasing
- Purchasing Department Purchasing Buyers/Specialists

Budget Managers have the authority to initiate and approve purchase requisitions within their authorized budget.

Every employee involved in procuring goods or services for the District is responsible for working to attain the District's procurement goals and objectives (See Section 1).

Principals/Directors share purchasing authority with the purchasing department concerning purchases made from District Funds.

Under Board policy CH (Local) the procurement function is assigned to the Superintendent or designee and Purchasing Department.

The purchasing department shall supervise the purchase of all materials, supplies, equipment, and services for the District.

The purchasing department shall develop appropriate procedures to ensure:

- Purchases are made in accordance with appropriate statutes, regulations, and Board policy.
- The existence of a list of approved vendors who have a record of good products, services, and prices.
- Effective advertising for the procurement of products and services.
- The existence of current specification files and expertise in developing meaningful product and service specifications.

Under Board policy CH (Local) Responsibility for Debts, the Board shall assume responsibility for debts incurred in the name of the District so long as those debts are for purchases made in accordance with adopted Board policy and current administrative procedures. The Board shall not be responsible for debts incurred by persons or organizations not directly under Board control; **persons making unauthorized purchases shall assume full responsibility for all such debts.**

## Section 3 – VENDOR RELATIONS

In centralized purchasing, the purchasing department is primarily responsible for vendor relations, contact, and communication. However, school campuses, departments, and staff must also communicate with vendors in order to obtain information necessary to properly prepare requisitions. Therefore, every employee involved in procuring goods or services for the District is responsible for fostering good vendor relations. It must be understood that contact and communication with vendors by school campuses, departments, and staff are not to represent a commitment to purchase; only authorized personnel as stated in Section 3 are authorized to make purchase commitments.

### Approved Vendor List

An “approved vendor” is a vendor that has been awarded a Bid/Proposal through the DISD competitive procurement process or through an Interlocal Agreement. These vendors may be viewed on the Purchasing Website on the Approved Vendor List. Approved vendors are utilized because they have competed for business through the competitive procurement process and provide greater savings.

### Inactive Vendors

Vendors may be suspended/inactivated from the Approved Vendor List and in eFinance Plus for a variety of reasons. Contact the purchasing department with any questions.

### DISD e-Bid/Vendor Notification

Vendors can register to receive bid/proposal information through the purchasing department’s Email Notification System. The purpose of the email notification system is to notify vendors of advertised bids and proposals. When business opportunities (bids and proposals) are posted to the District’s website at: <https://dentonisd.ionwave.net/Login.aspx> (DISD e-Bid) and the District’s Public Purchase Website, vendors are notified via email based on the commodities that their particular business serves. It must be understood that simply because a vendor has registered in the email notification system, does not mean that the vendor is an approved vendor. It simply means that the vendor is on the district’s mailing list to be notified of future business opportunities.

### New Vendors

New vendors can start doing business with the district through the competitive procurement process which begins with the requesting school/department submitting a New Vendor Request within Laserfiche. Vendors often contact schools and departments and offer goods and services. If a school or department is contacted by a vendor, it is prudent to ask the vendor for their DISD Bid Number. If they have a DISD Bid number, the vendor should be on the approved vendor list. If the vendor does not have a DISD Bid Number and the school or department needs the vendor’s goods or services, a New Vendor Addition Request through Laserfiche shall be completed first.

### Vendor Performance/Evaluation

Evaluation of vendor performance is an important aspect of centralized purchasing. Problems encountered by a school or department can be avoided by other District entities when these occurrences are communicated to the Purchasing Department.

Factors to consider when dealing with vendors:

- Timeliness of deliveries
- Quality of products or services received



- Service performance
- Condition of goods received
- Completeness and accuracy of the order
- Unserviceable merchandise

When problems are encountered with a vendor, such as a vendor failing to deliver certain items, it is important to document the problem, noting the date and an accurate description of the problem. The simplest way to document a problem is to email the Purchasing Department. In addition to contacting the Purchasing Department, the vendor should be contacted. Keep a record of all phone calls, including the dates and what was discussed and send a copy to the Purchasing Department preferably by email.

If the problem is not resolved, coordinate with Purchasing to prepare written correspondence stating the problem, the corrective action required and the vendor's failure to correct the problem to be sent from the Purchasing Department.

If a significant problem continues, DISD will remove of the vendor from the vendor list and discontinue doing business with the vendor.

### Visits from Vendors

Under no circumstances shall such persons be permitted to interrupt classes or conduct personal business with employees. Local managers of school facilities shall be responsible for compliance with this procedure within the confines of their facilities.

Vendors desiring to visit schools for educational purposes must:

- File identification information with the Purchasing Department.
- Provide the Purchasing Department with a completed IRS Form W-9 and a Texas Ethics Commission Conflict of Interest Questionnaire (CIQ) form. These forms can be obtained from the IRS website at [www.irs.gov](http://www.irs.gov) and the Texas Ethics Commission website [www.ethics.state.tx.us/forms/conflict/](http://www.ethics.state.tx.us/forms/conflict/).
- Obtain authorization from either Elementary or Secondary School Leadership.

## Section 4 – REQUISITION AND PURCHASE ORDER PROCESSING

### Overview

The requisition and purchase order process can be viewed as having four distinct steps:

- Requisition
- Purchase Order
- Delivery and Receipt of goods and/or services
- Invoice and Payment

The requisition and purchase order process begins when a need is determined by an end user and is not completed until payment is made for the goods and/or services. In this section the first two steps of the process will be discussed at length; delivery and receipt will be discussed in Section 5. Invoice and payment procedures are contained in the Financial Operations Procedures & Guidelines Manual.

### Requisition

A requisition is an internal document by which a campus or department of the district requests the purchasing department to initiate a purchase order. It is a request generated electronically (using the automated system – eFinancePLUS) for the purchase of supplies, services, equipment, etc.

**A requisition is an un-approved purchase order.** No purchasing commitment shall be made without an approved purchase order.

- Purchase commitments shall only be made by an approved purchase order.
- Persons making unauthorized purchases shall assume full responsibility for all such debts.
- All requisitions from grant funds (state/federal) shall comply with the TEA Guidelines for Related Costs and the DISD State & Federal Guidelines Manual.

### Requisition Approval and Purchase Order Issuance

Requisitions have multiple levels of approval. Explanation of the approval levels for various types of requisitions may be found on the Purchasing Department resources website. Requisitions are converted to Purchase Orders only after all levels of approval are met. Purchase orders are issued daily by the purchasing department based on information submitted on requisitions. If a purchase order is needed immediately, contact the Purchasing Department.

Purchase orders are among the most utilized methods for procuring goods and services. As its name indicates, this document serves as a formal order for goods, materials and/or services from a vendor. A purchase order, once approved, is a binding commitment for the District to remit payment to the vendor after the item(s) and/or service(s) are received. Once items are shipped and/or services performed, the vendor must submit a properly executed invoice to the Accounts Payable Department to receive payment.

A purchase order is an important accounting document as it contains information on the expenditure to be made and the budget (account) code to be charged. Once issued, the purchase order encumbers funds and serves as an expenditure control mechanism. The purchase order is also used in the accounts payable process as

it documents that an order has been issued, received, and accepted by the user and payment may be made to the vendor.

A purchase order cannot be modified by the vendor or by schools or departments after it has been processed by the purchasing department. If it becomes necessary to change the purchase order, the school or department must first advise the purchasing department.

Once a purchase order is issued, the same purchase order number cannot be used for reorders. When merchandise has been returned or is damaged and a reorder of replacement merchandise is desired, a new purchase requisition must be submitted.

## Special Types of Requisitions/Purchase Orders

### Open Purchase Order

- An open purchase order is used for **recurring** purchases to a specific vendor for a specified amount, not to exceed, and time
- The use of open purchase orders is limited to the following areas:
  - Copier Leases & Click Charges
  - Vocational Classes
  - Yearbook Staff
  - Special Education
  - Maintenance Contracts & Purchases
  - Contracted Services
  - Transportation Fuel & Parts
  - Fine Arts Performances
- All receipts are to be sent to accounts payable as purchases are made.
- Open purchase orders are to be entered for per page charges (i.e., click charges) for Canon copiers and ImageNet printers. Instructions for requisition entry are located on the purchasing department website.

### Bulk Purchase Order

- A bulk purchase order is used for “one-stop shopping” for supplies not to exceed a certain amount of money. A bulk purchase order **cannot** be used for multiple trips.
- Bulk purchase orders may be used at Kroger, Sam’s, Costco, Hobby Lobby, Home Depot and Lowe’s
- Requisition notepad should state who will be completing the purchase, the purpose of the purchase, and general examples of items to be purchased.

### Procurement Card (P-Card) Purchases

Use of a district P-Card (credit card) is available for a select set of vendors. Please refer to the P-Card Manual located on the Purchasing Department website for details and procedures relating to obtaining and using a district P-Card.

### Check Request

A Check Request is a requisition that will be immediately processed into a check. Check requests may be utilized for conference registrations, field trips, and other circumstances where a check is required.

### Intra-District Requisitions

Departments or Student Groups that provide goods or services to others in the district will need to be compensated through intra-district billing. Any department/student group that provides a service to another

department/campus/student group will need to be set up as a vendor. Checks will not be mailed; funds will be deposited in the General account with credit applied to the appropriate group.

Generally, the department, campus or student group requesting the service is required to enter a requisition for the expense and follow the established procedures for receiving.

#### Warehouse Requisition

The district keeps inventories of select materials in a central warehouse. A warehouse requisition may be used to obtain supplies or materials. Refer to the district warehouse website for available items.

#### Purchases from Child Nutrition

The Child Nutrition department offers a limited number of items that are appropriate for snacks, Principal's awards, etc. Unit prices may vary from time to time based on vendor costs. Contact the Child Nutrition department for price list and available items. Orders are placed via the requisition/purchase order process.

#### Requisitions by Departments for School Campuses

Departments that process requisitions to be delivered to school campuses must communicate the requisition and purchase order information to the school prior to delivery of goods, including the following:

- Vendor name
- Purchase order number
- Estimated delivery date
- Instructions for receiving the goods for payment purposes

#### Purchase Order Closure

In the event it is necessary to cancel a Purchase Order, the campus or department must advise the Accounts Payable Department. The Accounts Payable Department will close the purchase order and liquidate the funds encumbered. The campus or department placing the order must also notify the vendor of the cancellation of the purchase order and include written verification of vendor acceptance of this cancellation to the Accounts Payable Department.

#### Non-compliant Purchase

A non-compliant purchase is a purchase made without proper authorization (a District PO in place before the transaction). The non-compliant purchase memo may be submitted to the Director of Purchasing for approval. Once received, the paperwork will be reviewed. After review, it will be determined whether District funds can be used to cover the purchase. Click [here](#) to access the form.

## Section 5 – Delivery and Receipt

Delivery and receipt of goods/services is the goal of the requisition and purchase order process. Carefully checking deliveries and ensuring that the end user(s) who ordered the goods/services obtained them is a critical part of the purchasing process. DISD utilizes both centralized and decentralized receiving to ensure end users receive goods/services.

### Centralized Receiving

Purchases may be received by centralized receiving departments (DISD Distribution Center). Centralized receiving provides more control. Having only one centralized receiving point ensures that merchandise received agrees with merchandise ordered.

Campuses/departments requiring centralized receiving at the DISD Warehouse should contact the Distribution Center at 940-369-0252 to make arrangements for centralized receiving and distribution.

### Decentralized Receiving

It is often timelier and sometimes in the best interest of the end user or the district to have the vendor deliver goods directly to a campus or department; this requires decentralized receiving, also known as “drop shipping.”

If decentralized receiving is used, the school/department should assign the receiving responsibility to an individual trained in receiving procedures. Procedures regarding the receipt of goods should be in place at each school/department; this includes specific procedures for receiving goods during summer and winter breaks. Monitoring the delivery and receipt of purchase orders is the end user’s responsibility. This ensures that the district actually receives what it purchases.

### Receiving Records

It is imperative that after physical delivery of goods and services, that an electronic receiving record be recorded in eFinancePLUS. This receiving record communicates to Accounts Payables how much to pay and that those goods and services have been received in a satisfactory manner. Without timely receiving, the payment process is curtailed and jeopardizes future business relations with our vendors.

### F.O.B. Destination

- The vendor retains title and control of goods until they are delivered, and the contract of carriage has been completed.
- The vendor selects the carrier and is responsible for the risk during transportation.
- The vendor is responsible for filing claims for loss or damage.
- For F.O.B. Destination, if the shipping containers are damaged enough that it is probable that the contents are also damaged, you may:
  - Reject the entire shipment.
  - Accept the entire shipment.
  - Accept part of the shipment and reject the damaged part of the shipment.
- If all or part of the shipment is accepted, contact the vendor to obtain replacement instructions for the damaged items. If the vendor abandons the merchandise (fails or refuses to pick it up), contact the Purchasing Department to aid in resolving the problem. If the entire shipment is refused, record the reason for refusal on the carrier’s shipping documents and notify the vendor that the shipment was refused and needs to be reshipped due to severe damage.

## FOB Origin

- The end user/receiver assumes title and control of the goods the moment the carrier signs and picks up the goods from the vendor's location.
- The end user/receiver assumes risk during transportation.
- The end user/receiver is responsible for filing claims for loss or damage.
- For F.O.B. Origin, if the shipping containers are damaged enough that it is probable that the contents are also damaged, accept the shipment and then record the damage on the carrier's freight bill. Contact the Purchasing Department to aid in resolving the problem.
- The district discourages the use of F.O.B. Origin as a shipping method.

## Resolving Discrepancies

If the school or department determines there is damaged merchandise or a discrepancy exists, they should notify the vendor immediately and attempt to resolve the discrepancy. All correspondence between the school/department and vendor must be noted on the packing slip, if possible. If the discrepancy is discovered during or after inspection or unpacking, the vendor should be contacted in a timely manner. It is the end user's responsibility to contact the vendor and attempt to resolve deficiencies.

After the physical receiving function has been performed (shipment and packing slip are correct), electronic receiving must be performed in the eFinancePLUS system as approval of payment after the invoice is received by Accounts Payable.

## Section 6 – COMMODITY CODES

Denton ISD utilizes Commodity Codes to aggregate purchases of “like items” in order to comply with state purchasing regulations. Each requisition line item will be assigned an appropriate Commodity Code for the good or service being purchased. The Purchasing Department will utilize the Commodity Code data from eFinancePLUS to monitor and ensure appropriate competitive procurement methods are developed and maintained.

The District accepted Commodity Code Listing is located on the Purchasing Department Resources webpage.

### Related Statutes and Regulations

Texas Education Code, Purchasing Contracts sections 44.031

Except as provided by this subchapter, all school district contracts, except contracts for the purchase of produce or vehicle fuel, valued at \$50,000 or more in the aggregate for each 12-month period shall be made by the method, of the following methods, that provides the best value for the district.

### Federal Regulations

For all purchases with Federal Grant Funds, the district shall comply with the Federal Regulations, EDGAR, related to the purchasing of goods and services. [\[2 CFR 200.317-200.326\]](#) - The non-Federal entity must distribute micro-purchases equitably among qualified suppliers. Micro-purchases, of like-type commodities, totaling less than \$3,500, across all federal grant funds, in the aggregate across the fiscal year may be awarded without soliciting competitive quotations if the non-Federal entity considers the price to be reasonable.

## Section 7 – TECHNOLOGY PURCHASES

Technology is defined as computers, printers, peripherals, software, and accessories. Software includes apps/extensions for Windows, MAC & Chromebooks, web sites, and downloaded applications, which can be free or paid. To ensure the integrity of the District's network, all technology purchases, regardless of funding, must conform to District standards, and must be approved by the Technology Division. Any outside organization (PTA/Booster Club, etc.) wishing to provide technology to a campus/department, should donate the funds to the District for the purchase. The funds will be placed in the campus activity account and follow the same procedures for purchase as a normal request. Due to the ever-changing situations in the technology industry, lead times from date of purchase cannot be guaranteed. Please contact your Campus Support Tech for order updates.

### Hardware Purchases

When ordering hardware/equipment, the following procedures must be followed before a purchase order will be approved:

- The requestor should contact their Campus Support Technician explaining what they need and how it will be utilized.
- After the Campus Support Technician verifies the requested equipment will work with existing technology at the campus or building, they will contact the Senior Asset Specialist for an official quote.
- An official quote will be prepared providing the information required for entering a purchase order. Should you decide to edit your request, quantity, version, etc., a new spreadsheet must be obtained, unless otherwise noted. Should you decide to cancel the order, notify the Campus Support Technician.
- When purchasing technology, enter the information from the spreadsheet in the notepad of the requisition. These purchases will ship to "911 - DENTON ISD-TECHNOLOGY CENTER" not your campus. The Technology Division will send the PO to the vendor.
- Refer to the Technology Division website for a list of standard approved hardware.

### Software Purchases

All software purchases must be pre-approved by submitting a [Laserfiche request](#). Doing so ensures that the software purchased is consistent with the vision of the Denton ISD Digital Learning Department and has been evaluated to verify compatibility with the District's network infrastructure & cybersecurity initiatives.

- It is very important that all software be tested before being loaded, to ensure compliance with the procedures outlined below, software may not be purchased with petty cash. Also, software that is donated must comply with District standards by using the procedures below. You may not load personal software on any computer without approval from the Chief Technology Officer.
- Software that is sent with other materials, such as books, games, etc., may not be loaded until it goes through the approval process.
- New Software, software subscriptions, and software site licenses should be coded to 6397.

### Ordering Approved Software

The appropriate campus representative can request a spreadsheet with ordering information from. Their Campus Support Technician. Enter your purchase order exactly as indicated on the spreadsheet. If the District already owns the license of the software requested, you will be notified, and the software will be loaded for you.



### Ordering Unapproved Software

Please refer to the software approval process outlined at <https://www.dentonisd.org/Page/101374>. The software will be tested for network infrastructure & cybersecurity compatibility and evaluated for instructional value and curriculum alignment. If the software is disapproved, you will be notified. If the software passes the testing and evaluation, an order spreadsheet will be generated and sent to you by email. Enter your purchase order exactly as indicated on the spreadsheet. All software orders must use the "911 - DENTON ISD- TECHNOLOGY CENTER" "Ship To" address. When the software arrives, it will be loaded on the computer(s) for you.

## Section 8 – FOOD GUIDELINES

### Meeting Meals

Various types of meetings are held throughout the district at varying times, places and with various participants. Below is a guide to be used as direction regarding the meals or refreshments that may be provided by the district and the funds that may be used to provide for the meals and/or refreshments. Purchasing guidelines should be followed regarding vendor selection. A link to the Approved Vendor List may be found on the Purchasing Department's Approved Vendor's List web page.

### Allowable Expenditures

Refreshments and snacks may be offered for meetings such as training. One meal or one snack (not both) may be provided for meetings. The cost of these staff refreshments, snacks, and meals, should be reasonable in amount. A reasonable amount for these items would be no more than the current travel meal allowance. Current rates are located on the GSA Per Diem webpage. Snacks should be no more than \$2.00 per participant and may not be purchased when a meal is provided. Only vendors listed on the Approved Vendor's List may be utilized. Orders must be placed based on a reasonable estimated number of participants. Delivery charges and gratuities (not to exceed 20% of the order) may be paid. Grant guidelines prohibit payment of gratuities and, therefore, are not allowed when using grant funds.

### Campus Guidelines

Food provided for staff at the campus level for meetings should be coded to the Campus Activity Fund (Fund 461) using a "TL" sub-object code. The direct source of this funding is the vending machine commissions in the teacher lounge. Limited use of campus commissions, fundraisers, and other campus wide earnings, generated by the students or parents, may be used for staff refreshments, snacks, and meals. If these funds are to be used for this purpose, a budget amendment will be required to move funds into the "TL" sub-object host account with a limit of \$20 per full-time staff member per year.

### Department Guidelines

Food provided for staff at the departmental level for meetings should be coded to the Department Fund (Fund 197 or 888). The direct source of the funding for the 888 fund is the vending machine commissions in the various buildings or by direct payment from the staff.

### District-Wide Committees/Trainings

Food provided for staff members serving on a district-wide committee, such as selection committees and Educational Improvement Council (EIC) should follow these guidelines. However, these activities may be funded from the appropriate departmental budget in the General Fund. Orders must be placed based on a reasonable estimated number of participants.

### Volunteer/Non-District Staff

Food provided for volunteers of the District, such as Adopt-A-School luncheons, Community Services events (e.g. Grand Parent's Day) and Bond Progress Meetings should follow these guidelines. However, these activities may be funded from the appropriate departmental budget in the General Fund. Orders must be placed based on a reasonable estimated number of participants.

### District Key Officials

District key officials may utilize a District credit card for meals and gratuities (not to exceed 20% of the order) while in performance of their official District duties. Defined key officials include the superintendent and members of the board of trustees.

### Requisition Entry for Meals

The requisition line item shall indicate number of attendees in the Quantity field and the single meal cost in Unit Price field. The requisition notepad shall contain meeting/training location, date, start & end times, and number of attendees (number of district & number of non-districts staff).

### Staff Appreciation

Staff appreciation may be provided at the campus or departmental level on a limited basis. Each campus or department may transfer \$20 per full-time staff member per year into the “EA” account. These funds may be used for meals, snacks or de minimis gift items for various staff appreciation events. Funds may not be used for the benefit of any one individual, such as birthday gifts, baby showers, sympathy gestures, etc. The only exception is for retirement or teacher of the year celebration. One meal or one snack (not both) may be provided for each event. The cost of the meal must not exceed the current travel meal allowance. Current rates are located on the GSA Per Diem webpage. Snacks should be no more than \$2.00 per participant and may not be purchased when a meal is provided. Only vendors listed on the Approved Vendor’s List may be utilized. Orders must be placed based on a reasonable estimated number of participants. Delivery charges and gratuities (not to exceed 20% of the order) may be paid. No grant funds shall ever be allowed to fund staff appreciation. All standard purchasing procedures must be followed. No reimbursements are allowed.

### Budget Transfers to the “TL” and “EA” accounts

Each year a campus or department may make a transfer of up to \$20 per full time staff member to the “TL” account and \$20 to the “EA” account. Each account transfer may be done by a single transfer of \$20 per full time staff member or by two (2) transfers of \$10 each per full time staff member. Each year the “EA” account will reset to zero.

## Section 9 – APPAREL GUIDELINES

### Campus/Department Owned Apparel

If the campus or department is going to retain ownership of the shirt at the end of the school year, the shirt may be purchased with any appropriate Fund (181, 191, 197, 198, 461 etc.) from an approved vendor.

### Apparel Fundraiser/Sale

A campus or department collecting money for apparel as part of an apparel fundraiser or sale of an apparel item must complete the “Fundraiser/Trip/Sale of an Item Google Form” and receive approval from the Business Office prior to entering the requisition to an approved vendor in eFinancePLUS, and/or any pre-sale of the apparel items. If the student is going to keep the apparel at the end of the school year, they must pay for the apparel. The only exception to this guideline pertains to 890 Funds as discussed below.

### Apparel as Part of a Class Fee

Money received for apparel as part of a class or club fee must be deposited as a taxable item. The requisition notepad must state that the apparel is part of an approved class or club fee.

### Apparel for Student Activity Group

A Student Activity Group (Fund 890) can purchase apparel for the group members without collecting money from each group member, and the student may keep the apparel item at the end of the school year. This purchase is subject to sales tax. If the Student Activity Group (Fund 890) intends to purchase shirts for the group members, then the requisition must state this in the notepad, and meeting minutes where the purchase was approved must be attached to the requisition as backup. The General Accountant is to be notified of the purchase so that the sales tax can be recorded.

### Staff Spirit Shirts

Denton ISD allows campuses/departments to make one bulk purchase of staff spirit shirts per school year from campus/department activity funds for all campus/department staff members. The shirt identifies the campus/department staff and can be worn on the first day of school, at open house, and other campus/department events throughout the year to allow students and parents to easily identify staff. The shirts may also be worn on campus/department spirit days.

The cost per shirt is limited to \$20 plus sales tax. The campus/department is responsible for sales tax and the purchase of shirts will be included in the monthly sales tax report that is prepared and remitted to the State of Texas Comptroller’s Office by the Finance Department.

The campus/department must complete the Google Staff Spirit Shirt Form for the purchase of one staff spirit shirt per school year per campus/department staff member, as this must be tracked by the Finance Department. Please contact the Finance Department for access to the form.

The purchase of the shirts is to be from a vendor from the Approved Vendor List (AVL) which is located on the Purchasing web page. Specific information to be included in the purchase requisition packet:

- The expenditure code for the purchase is 461X-23-00-XXX-99-SFS-6399.
- Include the following wording on the purchase requisition: “Shirt qualifies as the one free shirt per campus/department staff member.”
- The requesting campus/department must work with publications to provide the official logo to the vendor for use with the purchase if using a school logo on the shirt.

- The vendor quote should never include a “graphic design” setup fee as this has been taken care of by the district providing the official logo design.
- Notice to the vendor that the use of the official logo for each purchase is specific to each individual purchase. The vendor does not have the authority to reuse that logo on any future orders. Put this in the “NOTES” statement.
- Attach the logo that is received from publications to the purchase requisition.
- Use commodity code 384-015.

For any staff shirts purchased in addition to the one staff spirit shirt, funds must be collected from staff and the Fundraiser/Trip/Sale of an Item Form (located on the Business Office web page under Forms/Activity Account Forms) must be completed.

### Donations of Apparel

If a group would like to solicit financial support for apparel, the solicitation needs to state that the apparel must be purchased by the donor and given to the intended recipient. The solicitation of financial support for apparel must be allowable by the UIL guidelines and not place the District in jeopardy of breaking any UIL rules.

Donated funds are not allowed to be used to purchase apparel, since this is considered as a gift of public funds.

## Section 10 – PURCHASING WITH PETTY CASH

Campuses and departments may maintain a Petty Cash fund. To maintain compliance with bid laws, petty cash disbursements should be used only for small incidental and unanticipated expenditures through approved vendors on the Approved Vendors List and not as a method to bypass the district's Accounts Payable and Purchasing systems.

### Purchases at Conferences with Petty Cash

Employees may use petty cash, up to a maximum of \$50 per conference, to purchase materials from a vendor. These purchases must have the prior approval of the Principal or Department Head and otherwise adhere to the petty cash guidelines. Principals and librarians are allowed to spend up to \$250.00 at conferences. Reimbursement for these expenditures should be included on their Travel Expense Statement.

## Section 11 – USE OF PUBLIC FUNDS

Pursuant to Article III, Section 52 of the Texas Constitution: School districts, as political subdivisions of the State of Texas, are not allowed to grant public money, or things of value or in aid of, to any individual.

The following types of products cannot be purchased with operating funds:

- Gifts (i.e., flowers, and other like items)
- Cards, including birthday, etc.
- Gift certificates or gift cards
- Bonuses
- Parties

## Section 12 – PURCHASING ETHICS

Public purchasing and the expenditure of public funds require that ethical standards be incorporated into every aspect of the District's purchasing function.

The Texas Education Agency (TEA), Financial Accountability System Resource Guide – General Ethical Standards and other documents, prescribes common standards of ethics governing the conduct of employees involved in the purchasing function, which are incorporated in the procedures prescribed below.

- Sequential Purchases – District employees shall not make purchases, over a period, of items that in normal purchasing practices would be made in one purchase.
- Component Purchases – District employees shall not make purchases of the component parts of an item that in normal purchasing practices would be made in one purchase.
- Separate Purchases – District employees shall not make purchases separately in order to circumvent board approval of items that in normal purchasing practices would be made in one purchase.
- Conflict of Interest – Local Government Code Chapter 176 provides information regarding conflict of interest statements to be filed by vendors and certain school district employees. HB 1491 passed by the 80th Legislature made modifications to the requirements for conflict-of-interest statements. Refer to the Texas Ethics Commission website for additional information and sample forms.
- Gifts - A district employee who exercises discretion in connection with contracts, purchases, payments, claims, or other pecuniary transactions shall not solicit, accept, or agree to accept any benefit from a person the public servant knows is interested in or likely to become interested in any such transactions of the District. Penal Code 1.07(41)(A), (E), 36.08(d). This includes, Trips, Meals, Tickets to Professional Sporting Events, Tickets to Concerts, Clothing, Transportation, Cash or Negotiable Instrument or any other goods or services valued at \$50 or greater.
- Financial Interest - District employees shall not participate directly or indirectly in procurement when the employee or the employee's family member has a financial interest pertaining to the procurement.
- Personal Use - District employees shall not make any commitment to acquire goods or services in the name of the District for personal use or ownership.
- Equal Consideration - District employees shall grant all competitive suppliers' equal consideration insofar as state or federal laws and District policy permit. This is especially important when evaluating bids and proposals.
- Relatives - No District employee with purchasing authority may authorize the purchase of anything from any person or from any firm that is controlled, owned, or operated by that employee or from a relative within the second degree by blood or marriage of the employee.

See Appendix B for statutes and regulations relating to Purchasing Ethics.

## Section 13 – CONTROL ENVIRONMENT

Texas Education Agency guidance states that “A district needs a strong control environment in which to perform the purchasing function.” Three activities govern a strong and successful control environment:

- A comprehensive purchasing manual.
- Monitoring purchasing activities by all employees involved with the procurement of goods and services.
- Training personnel on purchasing procedures.

In addition to the purchasing manual, the following activities enhance the control environment and require monitoring by those involved in procuring goods and services:

- **Approval of purchase requisitions at the campus and departmental levels.** The campus principal or department head should review for need and approve purchase requisitions before they are submitted to the centralized purchasing department for processing. If a purchase is grant funded, approval by the appropriate compliance officer is required. **Refer to the DISD State and Federal Guidelines Manual.**
- **Approval of purchase orders.** The purchasing buyer and or other designated personnel will review requisitions for compliance before approving purchase orders for issuance to vendors.
- **Supervision of purchasing process.** Vigilance in the supervision of the entire purchasing function on a daily basis is essential.
- **Segregation of duties among Purchasing, Accounts Payable and Finance personnel.** The Purchasing Director, Accounts Payable Coordinator and Finance Director, along with the Executive Director of Financial Operations and Deputy Superintendent, and ultimately the Superintendent are responsible to ensure that duties among purchasing, accounts payable, and finance personnel are properly segregated (to the degree possible) to provide a checks-and-balances environment.
- **Maintenance of purchasing files and records.** The purchasing staff should be trained and supervised so that purchasing files and records are complete and maintained in an orderly fashion for the period required by law.
- **Control over incoming merchandise.** Receiving personnel (either centralized or decentralized) should be trained and monitored to ensure that the proper procedures are followed with incoming merchandise (i.e., the counting and inspection of merchandise received, and the completion of receiving reports).
- **Verification of invoices with purchase orders and receiving information.** Although receiving personnel are responsible for the initial verification, accounts payable personnel verify that the invoice, the purchase order, and the receiving information match before presenting the invoice for approval for payment.
- **Verification of delivery.** All campuses and/or departments are responsible for ensuring that the deliveries are in agreement with its original purchase order.
- **Internal review of the purchasing processes.** An internal review of the purchasing activities should be performed periodically. This review is usually conducted by the District to ensure that purchasing policies and procedures are being followed by district personnel.
- **Training of district personnel.** Formal training is conducted annually at the beginning of the school year. However, training and communication should be ongoing throughout the school year through revisions to the purchasing manual, emails to a purchasing news group and monthly training opportunities.

### Responsibilities

To maintain a strong control environment for the procurement function, the following responsibilities and actions shall be taken.

- Executive Director of Financial Operations
  - Establish and maintain a reliable and financially accountable control environment for procuring goods and services.



- Purchasing Director
  - Assign responsibilities and establish procedures within the Purchasing Department for monitoring procurements in order to comply with the statutory requirements and Board policies.
  - Continually monitor the District's procurement activities, assess risks, and improve the procurement control activities.
  - Be the only authorized personnel to make purchase commitments and issue purchase orders. Because schools and departments must contact vendors to obtain information to prepare purchase requisitions, it must be communicated and explained to the vendor that the request for information does not represent a commitment to purchase.
- Buyers / Purchasing Specialists
  - Review all requisition/check requisition requests for appropriate budget/account code(s), competitive procurement sourcing, pricing & description accuracy to supporting back-up documentation, and commodity code prior to approval.
- Assigned Budget Managers
  - Plan purchases for each budget year to maximize opportunities to use competitive procurement options.
  - Coordinate purchases with the Purchasing Department for competitive procurement if no approved vendor exists for the particular purchase.
  - Process all requests for procurements that costs or aggregate to a cost of \$50,000 or more through the Purchasing Department for Board approval.
  - Only initiate and approve purchase requisitions that are within their approved budget and ensure proper account coding.
- All employees
  - Strictly adhere to the Board policy and this manual to control procurement activities.

## Section 14 – COMPETITIVE PROCURMENT

### Centralized Purchasing Function

DISD utilizes centralized purchasing. Centralized purchasing is the act of combining related items or commodities of various schools and departments to coordinate purchases and obtain better prices. Centralized purchasing enables a district to coordinate purchases when two or more campuses or departments have common requirements for supplies, equipment, and or services.

The centralized purchasing function is used to coordinate purchases of two or more campuses or departments as follows:

- Combining on purchase order forms the individual purchase requirements of two or more teachers, departments, or campuses; and
- Arranging for favorable purchase terms. For example, discount from retail or catalog prices for items to be purchased "as needed" by individual employees.
- Providing the proper purchasing mechanism to ensure district compliance with state laws and local policies.

### Decentralized Decision Making

DISD also utilizes decentralized decision making to schools and departments. From a purchasing perspective this means the schools and departments (the end-users) determine what they need and when they need it. These subject matter experts determine how to best meet the needs of our students. However, the final commitment of District funds can only occur by the Purchasing Department.

### Purchases over \$150,000 (Board Approval Required)

Any single, budgeted purchase of goods or services that costs \$150,000 or more, regardless of whether the goods or services are competitively purchased, shall require Board approval before a transaction may take place, except as otherwise provided in Board policy. The Superintendent is not required to obtain Board approval for the following types of budgeted purchases costing less than \$150,000 but shall subsequently report them to the Board:

- A purchase made pursuant to a Board-approved inter local contract, in accordance with law
- A purchase made through a cooperative purchasing program or state purchasing program that satisfies the District's obligation for competitive purchasing [see CH(LEGAL)]
- A continuing or periodic purchase under a Board-approved bid or contract throughout the duration of the renewal periods
- A purchase for produce or fuel

### Purchases over \$50,000

All school district contracts, except contracts for the purchase of produce or vehicle fuel, valued at \$50,000 or more in the aggregate for each 12-month period shall be made by the method, of the following methods, that provides the best value for the district.

- Competitive bidding;
- Competitive sealed proposals;
- A request for proposals, for services other than construction services;
- An inter local contract;

- A design/build contract;
- A contract to construct, rehabilitate, alter, or repair facilities that involves using a construction manager;
- A job order contract for the minor construction, repair, rehabilitation, or alteration of a facility;
- The reverse auction procedure as defined by Section 2155.062(d), Government Code; or
- The formation of a political subdivision corporation under Section 304.001, Local Government Code.

## Exceptions to Competitive Bidding - Texas Education Code 44.031

### Professional and Consulting Services

Under Texas Education Code 44.031, this section (Competitive Bidding) does not apply to a contract for professional services rendered, including services of an architect, attorney, or fiscal agent. A school district may, at its option, contract for professional services rendered by a financial consultant or a technology consultant in the manner provided by Section 2254.003, Government Code, in lieu of the methods provided by this section.

NOTE: federally funded professional service contracts must be let on a competitive basis.

Competitive bids shall not be solicited for professional services of any licensed or registered:

- certified public accountant
- architect
- landscape architect
- land surveyor
- physician
- optometrist
- professional engineer
- state-certified or state-licensed real estate appraiser
- registered nurse
- interior designer
- attorney
- fiscal agent
- financial consultant
- technology consultant

Contracts for these professional services shall be made on the basis of demonstrated competence and qualifications to perform the services and for a fair and reasonable price. Government Code 2254.002, 2254.003(a).

### Emergency Purchases

Under Texas Education Code 44.031, if school equipment, a school facility, or a portion of a school facility is destroyed, severely damaged, or experiences a major unforeseen operational or structural failure, and the board of trustees determines that the delay posed by the contract methods required by this section would prevent or substantially impair the conduct of classes or other essential school activities, then contracts for the replacement or repair of the equipment, school facility, or portion of the school facility may be made by a method other than the methods required by this section.

Under Texas Education Code 44.031, If school equipment or a part of a school facility or personal property is destroyed or severely damaged or, as a result of an unforeseen catastrophe or emergency, undergoes major operational or structural failure, and the board of trustees determines that the delay posed by the methods provided for in this section would prevent or substantially impair the conduct of classes or other essential school

activities, then contracts for the replacement or repair of the equipment or the part of the school facility may be made by methods other than those required by this section.

### Sole Source Purchases

Under Texas Education Code 44.031, a school district may purchase an item that is available from only one source (commonly called sole source or single source). Included in the definition of sole source items are the following:

- An item for which competition is precluded because of the existence of a patent, copyright, secret process, or monopoly
- A film, manuscript, or book
- A utility service, including electricity, gas, or water
- A captive replacement part or component for equipment

Note: Sole source does not apply to mainframe data-processing equipment and peripheral attachments with a single item purchase price in excess of \$15,000.

The district has a sole source affidavit to document purchases made under the sole source purchase exception. Additionally, sole source purchases that exceed \$150,000 require Board approval prior to the transaction taking place.

### Advertisement

Under Texas Education Code 44.033, notice of the time by when and place where the bids or proposals, or the responses to a request for qualifications, will be received and opened shall be published in the county in which the district's central administrative office is located, once a week for at least two weeks before the deadline for receiving bids, proposals, or responses to a request for qualifications. The two-week advertisement requirement is a minimum requirement, additional time may be necessary based on the complexity of the bid/proposal. In addition to the newspaper, DISD utilizes the Purchasing Department's website to advertise all bid/proposal opportunities and to increase its competitive environment.

### Competitive Procurement

Competitive bidding is a formal process consisting of procedures that may also be referred to as competitive sealed bidding, or more simply as bids.

The request for bids contains the purchase description or specifications covering the item(s), the terms and conditions for the bid contract, the time and place for opening bids, and other provisions, as necessary. The advertisement for bids, description in the request for bids of item(s), and specific terms and conditions must be done in a manner that accomplishes the primary purposes of competitive bidding - stimulate competition and obtain the best value for the goods/item(s) needed.

### Procurement Utilizing Federal Funds

#### Micro-Purchase Procurement

Purchases less than \$3,500 in the aggregate across the fiscal year are considered micro-purchases. The non-Federal entity must distribute micro-purchases equitably among qualified suppliers. Micro-purchases, of like-type commodities, totaling less than \$10,000, across all federal grant funds, in the aggregate across the fiscal year may be awarded without soliciting competitive quotations if the non-Federal entity considers the price to be reasonable.

### Small Purchase Procurement

Purchases up to \$150,000 in the aggregate across the fiscal year are considered small purchases. Small purchase procedures are those relatively simple and informal procurement methods for securing services, supplies, or other property that do not cost more than the Simplified Acquisition Threshold. If small purchase procedures are used, price or rate quotations must be obtained from an adequate number of qualified sources.

### Tie Bids

If the District receives two or more bids from responsible bidders that are identical, in nature and amount, as the lowest and best bids, it shall select only one bidder from the identical item(s).

If only one of the bidders submitting identical bids is a resident of the District, that bidder shall be selected. If two or more such bidders are residents of the District, one shall be selected by the casting of lots. In all other cases, one of the identical bids shall be selected by the casting of lots.

The Board shall prescribe the manner of casting of lots and shall be present when the lots are cast. All qualified bidders or their representatives may be present at the casting of lots.

### Competitive Sealed Proposals (CSP)

The use of Request for Competitive Sealed Proposals is normally used when competitive bidding is either not practicable or not advantageous to the district. Basically, competitive sealed proposals allow for negotiations in addition to the basic bidding process. Terms and conditions are identical as those for competitive bidding except any reference to bids should be changed or interpreted as offers or offerors. Additionally, anything addressing the finality of the offer needs to be disregarded because proposals are negotiable.

### Request for Proposals (RFP)

Proposal procedures provide for full competition among proposals. The procedures allow for negotiation with the proposer or proposers to obtain the best services at the best value. During the evaluation process prior to award of a contract, the negotiation process allows modification and alteration of both the content of the proposals and price. The following note further explains the primary difference between bids and proposals. (Note: The competitive bidding process requires that bids be evaluated, and awards be made solely upon bid specifications, terms and conditions contained in the request for bids document, and according to the bid prices offered by vendors and pertinent factors that may affect contract performance; no substantive changes are permitted to the bid terms, conditions, and specifications).

Professional and nonprofessional service contracts involving federal funds are required to be bid on a competitive basis, under 34 CFR Section 80.36 (Code of Federal Regulations). Competitive procurement procedures, Section 44.031, TEC, are for certain procurement situations as an alternative to competitive bidding procedures. Chapter 2254, Government Code, prohibits competitive bidding for certain types of professional services, including engineering, architectural, accounting, and certain other services; and requires a two-step procedure, as defined in Chapter 2254, Government Code, for the procurement of architectural and engineering services. Competitive proposal procedures are recommended, where other procurement procedures are not required according to state or federal rules, laws, or regulations, to stimulate competitive prices for services.

In connection with certain professional service contracts, specifically architectural or engineering, Chapter 2254, Government Code, requires a two-step negotiation process. The two-step process only allows negotiation of price after an initial selection based upon demonstrated competence and qualifications of the person/firm.

## Evaluation/Contract Award Criteria

Under Texas Education Code 44.031, in determining to whom to award a contract, the district shall consider:

- the purchase price
- the reputation of the vendor and of the vendor's goods or services
- the quality of the vendor's goods or services
- the extent to which the goods or services meet the district's needs
- the vendor's past relationship with the district
- the impact on the ability of the district to comply with laws and rules relating to historically underutilized businesses
- the total long-term cost to the district to acquire the vendor's goods or services
- for a contract for goods and services, other than goods and services related to telecommunications and information services, building construction and maintenance, or instructional materials, whether the vendor or the vendor's ultimate parent company or majority owner:
  - Has its principal place of business in this state; or
  - Employs at least 500 persons in this state; and
- any other relevant factor specifically listed in the request for bids or proposals.

The criteria above shall also be used to select vendor(s) for the procurement of goods and services paid with federal grant funds.

## Out-of-State Bidders

The Board shall not award a contract for general construction, improvements, services, or public works projects or for purchase of supplies, materials, or equipment to a bidder whose principal place of business is not in the state, unless the nonresident underbids the lowest bid submitted by a responsible resident bidder by an amount that is not less than the amount by which a resident bidder would be required to underbid a nonresident bidder to obtain a comparable contract in the state in which the nonresident's principal place of business is located.

Gov't Code 2252.001, 2252.002

This requirement shall not apply to a contract involving federal funds. The District shall rely on information published by the comptroller in evaluating the bids of a nonresident bidder. Gov't Code 2252.003, 2252.004

## Purchasing Methods Regarding Facilities Construction

Regarding construction of school facilities, see Board Policy CV, CVB for competitive sealed proposals; CVC for design/build contracts; CVD for construction manager-agent, CVE for contracts using a construction manager-at-risk; and CVF for job order contracts for minor repairs/alterations.

## Cooperative/Interlocal Agreement Purchases

A centralized purchasing function can also be performed on a regional level through a cooperative/interlocal agreement among districts or the regional education service center. Cost savings through a regional centralized purchasing function are achieved through both discounted prices and administrative cost savings to individual districts. If the district participates in a cooperative purchasing program, it satisfies any law requiring it to seek competitive bids. Local Government code 791.001, 791.011, 791.025 (b)-(f); Atty Gen. Op. JC-37 (1999)

## Cooperatives Currently Utilized by DISD

- 1GPA
- Allied States Purchasing Cooperative (ESC Region 19)

- Central Texas Purchasing Alliance
- Child Nutrition Multi Regional Purchasing Cooperative (ESC Region 10)
- Choice Partners (Harris County Department of Education)
- City of Denton
- Denton County Purchasing Cooperative
- DIR (Department of Information Resources)
- EPCNT (Educational Purchasing Cooperative of North Texas)
- EPIC6 (Educational Purchasing Interlocal Cooperative [ESC Region 6])
- Equalis Group (ESC Region 10)
- ESC Region 4
- Goodbuy Purchasing Cooperative (ESC Region 2)
- HGAC (Houston-Galveston Area Council)
- NCPA (National Cooperative Purchasing Alliance [ESC Region 14])
- OMNIA Partners/U.S. Communities/National IPA/TCPN
- PACE (ESC Region 20)
- Project Lead the Way
- Prospering Pals [Child Nutrition]
- PCA (Purchasing Cooperative of America: ESC Region 3)
- Sourcewell/ NJPA (National Joint Powers Alliance)
- TASB BuyBoard
- TASB Energy Cooperative
- TCCA (Tarrant County Purchasing Cooperative)
- Texas DIR (Department of Information Resources)
- TexBuy
- TIPS (ESC Region 8)
- TPASS (State of Texas Comptroller)
- TXMAS
- West Texas Public Schools Purchasing Cooperative [Insurance]

## APPENDIX A – STATUTES, REGULATIONS, AND BOARD POLICIES

All relevant statutes, regulations, board policies, and procedures shall be made available to all purchasing stakeholders, as appropriate in a paper or electronic format.

Texas Education Code, Purchasing Contracts (Primarily sections 44.031 through 44.047)

An electronic version of the Texas State Education Code can be obtained at the following website address:

<http://www.statutes.legis.state.tx.us/Docs/ED/htm/ED.44.htm#44.031>

Texas Education Agency (TEA) Financial Accountability System Resource Guide Purchasing Module

The TEA Resource Guide can be accessed at the following website address:

[https://tea.texas.gov/Finance\\_and\\_Grants/Financial\\_Accountability/Financial\\_Accountability\\_System\\_Resource\\_Guide/](https://tea.texas.gov/Finance_and_Grants/Financial_Accountability/Financial_Accountability_System_Resource_Guide/)

Denton Independent School District's Board Policy (Sections CH)

The DISD Board Policy can be accessed at the following website address:

<https://pol.tasb.org/Policy/Search/383?filter=CH%20local>

Federal Regulations

For all purchases with Federal Grant Funds, the district shall comply with the Federal Regulations, EDGAR, related to the purchasing of goods and services. [[2 CFR 200.317-200.327](#)]

HB1295

<https://www.ethics.state.tx.us/File/>

Divestment Statutes

<https://comptroller.texas.gov/purchasing/publications/divestment.php>



## APPENDIX B – PURCHASING ETHICS STATUTES AND REGULATIONS

### Denton ISD Board Policy and Administrative Regulation

- Board policy DH (Legal/Local), Employee Standards of Conduct. This policy resides on the District's web site.
- Board policy DH (Exhibit), Employee Standards of Conduct. This policy resides on the District's web site.

### Texas Education Code 44.032

- (b) An officer, employee, or agent of a school district commits an offense if the person with criminal negligence makes or authorizes separate, sequential, or component purchases to avoid the requirements of Section 44.031(a) or (b). An offense under this subsection is a Class B misdemeanor and is an offense involving moral turpitude.
- (c) An officer, employee, or agent of a school district commits an offense if the person with criminal negligence violates Section 44.031(a) or (b) other than by conduct described by Subsection (b). An offense under this subsection is a Class B misdemeanor and is an offense involving moral turpitude.
- (d) An officer or employee of a school district commits an offense if the officer or employee knowingly violates Section 44.031, other than by conduct described by Subsection (b) or (c). An offense under this subsection is a Class C misdemeanor.
- (e) The final conviction of a person other than a trustee of a school district for an offense under Subsection (b) or (c) results in the immediate removal from office or employment of that person. A trustee who is convicted of an offense under this section is considered to have committed official misconduct for purposes of Chapter 87, Local Government Code, and is subject to removal as provided by that chapter and Section 24, Article V, Texas Constitution. For four years after the date of the final conviction, the removed person is ineligible to be a candidate for or to be appointed or elected to a public office in this state, is ineligible to be employed by or act as an agent for the state or a political subdivision of the state and is ineligible to receive any compensation through a contract with the state or a political subdivision of the state. This subsection does not prohibit the payment of retirement benefits to the removed person or the payment of workers' compensation benefits to the removed person for an injury that occurred before the commission of the offense for which the person was removed. This subsection does not make a person ineligible for an office for which the federal or state constitution prescribes exclusive eligibility requirements.
- (f) A court may enjoin performance of a contract made in violation of this subchapter. A county attorney, a district attorney, a criminal district attorney, a citizen of the county in which the school district is located, or any interested party may bring an action for an injunction. A party who prevails in an action brought under this subsection is entitled to reasonable attorney's fees as approved by the court.