

**SAN DIEGO UNIFIED SCHOOL DISTRICT  
ADMINISTRATIVE PROCEDURES**

**NO.** 1570

**PAGE** 1 **OF** 10

**CLASSIFICATION** GENERAL ADMINISTRATION,  
CONSULTANTS/EDUCATIONAL CONTRACTS

**EFFECTIVE** 7-2-73

**\*Revised SUBJECT \* DISTRICT CONTRACTS**

**REVISED** 5-18-87

General  
Revision  
5-18-87

A. PURPOSE AND SCOPE:

1. To outline administrative procedures governing initiation, processing, and approval of district contracts.
2. Related procedures:  
Contract for consultants . . . . . No. 1550  
Use of revolving cash funds . . . . . No. 2310  
Purchasing, supply, and distribution system . . . . . No. 2400

B. LEGAL AND POLICY BASIS:

1. Reference: Board policy; Education Code Sections 35160-75, 35200, 35291, 39300-33, 39645-70; Public Contracts Code Sections 20111-16.
2. All district contracts shall be made in the name of "San Diego Unified School District."
3. Power to Contract/Board of Education Approval
  - a. All district contracts must be approved by the Board of Education unless power to contract on behalf of the district has been delegated by the board to a district officer/employee.
  - b. School principals are authorized to expend funds from a school revolving cash fund for purchase of instructional materials, office supplies, custodial supplies, postage, and printing services. Each transaction may not exceed the balance in the school's revolving cash fund. All purchases must be made in accordance with Procedure No. 2310.
  - c. Effective Date of Contract. All contracts should be approved by the Board of Education prior to effective date of the contract.
  - d. Agenda Item Language. The agenda item should:
    - (1) Request approval of agreement, identify the nondistrict party to the agreement, state the term of the agreement, and briefly describe purpose of the agreement.
    - (2) Request and identify the district management employee authorized to execute the agreement.
  - e. Noncompliance with Procedure. Contracts not processed in accordance with timelines and approval requirements of this procedure will not be submitted to the Board of Education until such requirements have been met. Under exceptional circumstances, Deputy Superintendent may grant exceptions to these requirements; however, no payment may be made under a contract until the board has approved or ratified that contract.

- B. 4. Affirmative Action. Purchases of services, equipment, supplies, and/or materials from one supplier, which are expected to exceed \$10,000 during any one fiscal year, are subject to the district's affirmative action policy. (See Procedures Nos. 0115 and 0117.) A district-approved affirmative action plan, or evidence of an approved affirmative action plan, must be on file with the district's Contract Compliance Coordinator prior to Board of Education approval of any district contract involving an expenditure in excess of \$10,000.
5. Competitive Bidding. Certain property or services may be acquired or conveyed by the district only after advertising and complying with competitive bidding requirements.
- a. Consultant contracts ordinarily are not subject to competitive bidding. Regulations and procedures governing consultant contracts are provided in Procedure No. 1550.
- b. Purchase Without Estimates or Bids/Lease of Educational Materials
- (1) The district may purchase supplementary textbooks, library books, educational films, audio-visual materials, test materials, and/or workbooks in any amount needed for operation of schools without taking estimates or advertising for bids.
- (2) Test materials, educational films, and AV materials may be leased for a period not exceeding ten years.
- (3) All such purchases/leases must be made in accordance with district procedures.
- c. Purchases Through Public Corporations/Agencies. The district may contract with other governmental agencies for equipment, supplies, materials, or other personal property without advertising for bids.
- d. Federal Procurement Standards. Contracts for supplies, equipment, construction, and other services whose cost is borne in whole or in part by the federal government are subject to federal procurement standards. (See Page 8.)
- C. GENERAL:
1. Originating Office. Suggestions or questions concerning this procedure should be directed to General Counsel, Legal Office.
2. Definition. Contract:
- a. An agreement between two or more persons to do something.
- b. A document containing the terms of an agreement.

c. 3. Contract Originationa. Originator

- (1) Obtains approval for the proposed transaction or project from appropriate division management employee.
- (2) For other than consultant contracts and contracts originating in Facilities Services Department or office of Property Management Director, consults Purchasing Unit, Purchasing and Materiel Department, to determine whether competitive bidding, requests for proposals (RFPs) or formal contract documents are required.

b. Purchasing and Materiel Department

- (1) Consults with contract compliance coordinator on applicable affirmative action procurement requirements.
- (2) Consults with General Counsel regarding above requirements, as necessary.

c. Board of Education approval must be obtained for:

- (1) Issuance of all requests for proposals (RFPs).
- (2) Issuance of invitations for bids (IFBs) except those for routine annual procurements of school supplies; school furniture; maintenance replacement supplies; custodial supplies; food supplies; office furniture, equipment, and supplies; printing of curriculum materials; and deferred maintenance projects.

4. Projects Originating in Facilities Services Department or Office of Property Management Director

- a. Originating office shall assume responsibilities indicated for Purchasing and Materiel Department as indicated in Sections C.5., C.6., and C.7. below.
- b. Construction contracts shall be processed as stated in Sections B., C.3., and C.4.a., with the following exceptions:
  - (1) With respect to standard agreements, only timelines commencing with week THREE shall apply. (See C.7)
  - (2) Prior to submission to General Counsel, nondistrict contractor must have posted the required bid bond. Upon approval, General Counsel shall sign and date "Contract Routing Form" and return one contract original and three duplicate originals to Facilities Service Department.

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- C. 4. b. (3) Following award of contract by the board, contractor shall have ten days to post required performance and payment bonds and to sign the contract.
- (4) Upon performance of above conditions, contract originals are submitted first to Recording Secretary for board action verification, then to General Counsel for approval as to form and legality.
- (5) General Counsel returns approved originals to Facilities Services Department.
- (6) Facilities Services Department obtains signature of district management employee authorized by the Board of Education to execute contracts.
- (7) Originating office/department forwards contract original to Recording Secretary; retains one duplicate original and forwards duplicate originals to Fiscal Control Department, nondistrict contractor, and district Construction Inspection Supervisor.
5. Contract Document Preparation. (For contracts originating in Facilities Services Department or office of Property Management Director, refer to Section C.4. above.)
- a. If competitive bidding or requests for proposals are required, Purchasing and Materiel Department, in consultation with General Counsel, assists originating division in determining whether competitive bidding is required and in drafting necessary documents (request for proposals, invitation for bids, etc.).
- b. If competitive bidding or requests for proposals are NOT required, originating division:
- (1) Drafts proposed contract.
- (2) Consults Purchasing Unit on terms relating to ordering, district receipt, and delivery to sites.
- (3) Consults Contract Compliance Coordinator regarding affirmative action requirements.
- (4) Consults General Counsel in drafting complex contracts or on questions about legal requirements of project.
- (5) Consults Fiscal Control Department regarding payment terms and conditions.
6. Contract Document Processing. For contracts originating in Facilities Services Department or office of Property Management Director, refer to Section C.4. above.)

C. 6. a. If competitive bidding or requests for proposals are required:

(1) Originating division, prior to advertising, submits all contract documents to General Counsel for approval as to form and legality.

(2) Purchasing and Materiel Department shall:

(a) Advertise, receive bids and proposals, and open bids.

(b) Select the apparent successful bidder or proposal, in consultation with originating division and Contract Compliance Coordinator.

(c) Prepare the contract (with originating division and in consultation with General Counsel).

(d) Prepare the board report, agenda item, text and "Contract Routing Form" in consultation with originating division. (See Section B. above.)

NOTE: Purchasing and Materiel Director shall be responsible for assigning contract numbers to all contracts except those for consultants. (Personnel Services Division shall assign contract numbers for consultants.) Originating division shall insert the assigned contract number on "Contract Routing Form."

(e) Route the board report, contract, and "Contract Routing Form" for required approvals and placement on the board's public agenda for approval.

b. If competitive bidding or requests for proposals are NOT required, originating division shall:

(1) Prepare Board of Education report and agenda item.

(2) Route agenda materials and the contract for required approvals and placement on the board's public agenda for approval.

7. Timeline for Contract Documents. (For contracts originating in Facilities Services Department or office of Property Management Director, refer to Section C.4. above.)

a. If Competitive Bidding or Requests for Proposals are Required. All steps resulting in issuance of invitations for bids (IFBs) or requests for proposals (RFPs) and the selection of an apparent successful bidder or proposal should be undertaken and completed in sufficient time to allow for processing of contract documents, and not later than specified in the following timelines. (All date references are to the designated week preceding the target Board of Education meeting date.)

C. 7. a. (1) Week FOUR, MONDAY. Purchasing and Materiel Department:

(a) Submits proposed contract to General Counsel for review.

1) Standard contracts contained in IFBs previously approved by General Counsel need not be resubmitted for legal approval and routing unless modifications are proposed.

2) Prior to submission to General Counsel, proposed contract should be reviewed and approved by nondistrict party.

(b) After review by General Counsel, forwards original of the contract, with two duplicate originals, to nondistrict party for signature.

(c) Prepares board report and "Contract Routing Form."

(2) Week THREE

(a) MONDAY: Pending return of signed contracts by nondistrict contractor, Purchasing and Materiel Department forwards board report and "Contract Routing Form" to originating division for approval.

(b) FRIDAY: Originating division head submits board report and signed "Contract Routing Form" to Assistant Director, Budget and Cost Controls Department, for fund allocation confirmation. Upon completion of confirmation process, Controller signs and dates "Contract Routing Form."

(3) Week TWO, WEDNESDAY

(a) Controller submits board report and signed "Contract Routing Form" to General Counsel.

(b) Purchasing and Materiel Department submits contract original and duplicate originals (signed by nondistrict party) to General Counsel for approval as to form and legality. (Previously approved standard contracts need not be resubmitted to General Counsel.)

(4) Week ONE. General Counsel submits board report and "Contract Routing Form" to Administrative Services Office for placement on the Board of Education agenda.

(5) Board Meeting Week (After Board Approval)

(a) General Counsel forwards original and two duplicate originals to Recording Secretary for board action verification, then to district management employee authorized by the Board of Education to execute contracts.

C. 7. a. (5)(b) Authorized management employee returns signed contracts to General Counsel for dissemination:

- 1) Original to Recording Secretary;
- 2) Duplicate originals to originating division.

(c) Originating division forwards one duplicate original to the nondistrict party and retains one duplicate original; sends a copy of the contract to Fiscal Control Manager.

b. If competitive bidding or requests for proposals are NOT required, originating division assumes responsibilities indicated above for Purchasing and Materiel Department, and the timeline and procedure outlined in C.7.a. is followed.

8. Amendments to Contracts. Generally, amendments must be in writing, processed in the same manner as the original contract, and approved by the Board of Education. When the original contract was subject to competitive bidding, that contract may be amended without rebidding providing the amendment does not result in expenditure of funds in excess of amounts specified in Public Contracts Code Sections 20111 or 20114, or ten percent of original contract price, whichever is greater.

9. Contract Monitoring. Originating division shall monitor executed contracts to ensure performance by the district in accordance with contractually specified timelines. Adherence to deadlines for service of contract renewal and termination notices should be ensured.

D. IMPLEMENTATION: (See Section C.)

E. FORMS AND AUXILIARY REFERENCES:

1. Contract Routing Form, available from Office of General Counsel.
2. Sample contract format, available from Office of General Counsel.
3. Flowchart "General Description of Contract Procedure," Page 9.
4. Flowchart "Summary of Contracting Procedure," Page 10

F. REPORTS AND RECORDS:

G. APPROVED BY:

Christina L. Dyer  
General Counsel

Thomas W. Pughant  
Superintendent

FEDERAL PROCUREMENT STANDARDS

(Rules and Regulations, General Education Provisions Act;  
Federal Register Vol. 38, No. 213; Nov. 6, 1973)

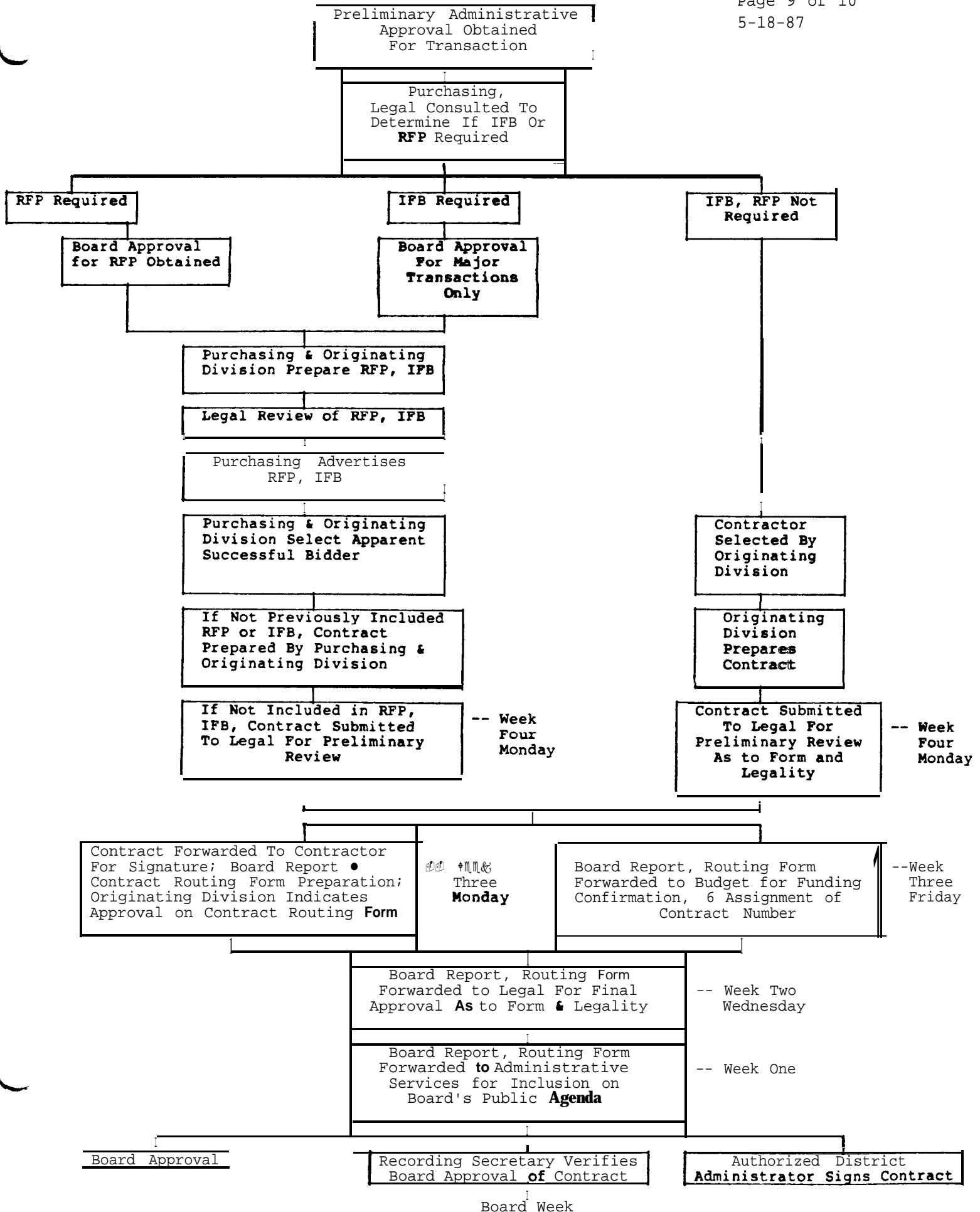
Contracts for supplies, equipment, construction and other services whose cost is borne in whole or in part by the federal government are subject to the following procurement standards:

1. Open and free competition shall be promoted in all transactions. Procurement specifications shall not unduly restrict competition; where "brand name or equal" is used, two brand names\* of comparable quality or utility must be listed, followed by "or equal." Exceptions are permitted when (1) only one product is available, or (2) when matching of existing equipment is essential. An appropriate notation must be included on the requisition. (\*a State requirement)
2. Formal advertising shall be required for purchases exceeding \$2500 unless negotiated in accordance with B.3.c. below. All contracts involving bids for equipment, supplies and materials to be provided by the district must be processed by Purchasing and Materiel Department.

NOTE: Contracts including equipment, supplies and/or materials to be provided by outside contractor must be accompanied by an assurance that the outside contractor will comply with federal regulations. (a copy of regulations should be provided with the request for bid.)

3. Negotiated procurements may be made if it is not practical or feasible to use formal advertising; such procurement shall be conducted in such a manner that maximum competition is facilitated. Generally, negotiated procurement may be considered when one or more of the following conditions prevail:
  - a. Aggregate amount involved is less than \$2500.
  - b. Time limitations do not permit formal advertising in cases where advertising is otherwise possible. (Normally, a lead time of 4-6 weeks is required.)
  - c. Only one source is available for material or service needed. All contemplated sole source procurements where the aggregate expenditure is expected to exceed \$5000 shall be referred to the Commissioner of Education for approval. (Consult with Purchasing and Materiel Director prior to making a determination of "sole source" on equipment, supplies and/or materials.)
  - d. The contract is for personal or professional services, or for any service rendered by a university, college, or other educational institution. (Requests for proposals from two or more sources can be used to advantage in obtaining the best balance between quality and cost.)
  - e. No acceptable bids have been received after advertising.
  - f. Purchases are for highly perishable materials, or prices for the materials or services are established by law.

NOTE: Board approval is required on all purchases and contracts.



SUMMARY OF CONTRACTING PROCEDURE  
(Non-Revolving Cash Fund Expenditures)

