



ATLANTA
PUBLIC
SCHOOLS

PROCUREMENT SERVICES PROCEDURES MANUAL

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SECTION 1 OVERVIEW

The Procurement Services Department provides a centralized and uniform system for the acquisition of goods and services. The Department ensures that all goods and services are of appropriate quality and value and are acquired in a timely and cost effective manner from the lowest responsible vendors and service providers while maintaining compliance with applicable laws and board policies. Activities and procedures related to the purchase of goods and services for the district must comply with the following Atlanta Board of Education policies and regulations:

1. BH, Board Code of Ethics
2. DJEA, Purchasing Authority
3. DJEA-R(1), Purchasing Authority – Local Preference in Procurement
4. DJEBB, Debarment
5. GAG, Staff Conflict of Interest
6. GAGC, Employee Ethics
7. GAK(1), Criminal Background Check

Mission

The Procurement Services Department is dedicated to providing a selection of quality goods, services, and suppliers for the use of APS students and staff, accomplished through purchasing principles of acceptable value at best price, transparency, and equal and fair competition in compliance with board policy and state/federal law.

Introduction

The Procurement Services Department serves and supports the needs of schools and departments and realizes that our response to the needs of principals, teachers, and students can and does impact the environment and way in which teachers teach and students learn. The goal of this manual is to provide clarity on current policies and procedures used for procuring goods and services in support of the APS vision and educational goals. These procedures shall apply to all acquisitions involving the expenditure of APS funds including but not limited to General Funds, Federal, State, Local, and other grants, etc.

SECTION 2 ETHICS

Atlanta Public Schools has zero tolerance for ethics violations and has an expectation that every employee will adhere to the highest standards of ethics and accountability. All employees shall procure goods and services and maintain vendor/supplier relationships in an ethical manner. The following expectations are provided with the full knowledge that the good judgment of each employee is essential, and that no list of rules or guidelines can provide direction for all circumstances that arise. Employees who have questions about a potential ethical concern must discuss the situation with the immediate supervisor, the Office of Internal Compliance and/or the Ethics Officer in the Law Department. Employees who violate procurement ethics expectations shall be subject to disciplinary action, up to and including termination.

Expectations of employees involved in the procurement process are as follows.

1. All employees are expected to adhere to Board Policy, GAG, Staff Conflict of Interest and GAGC, Employee Ethics, this includes but is not limited to the following:
 - a. No employee shall do business directly with the District.
 - b. No employee shall do business indirectly with the District without full disclosure.
 - c. No employees will accept any gifts from vendors or suppliers except in the following situations:
 - i. Gifts of nominal value (less than \$50.00) with disclosure to immediate supervisor.
 - ii. Advertising items and instructions products that are widely distributed (i.e. at a meeting or conference)
 - iii. Goods that are divisible among employees or otherwise shared in the office environment. Examples of such gifts are as follows: flowers, food/gift baskets.
2. Employees may not change the published weightings or criteria after receiving RFP responses.
3. Records that contain cost estimates and/or pending, rejected, or deferred bids or proposals are not released until the final award of the contract is made or the project is terminated or abandoned. If a solicitation has been completed and records are requested which are not already published on the Procurement website, the requestor should be directed to the Open Records office at openrecords@atlanta.k12.ga.us.
4. Employees must disclose and recuse themselves from participation in the evaluation of any solicitation for goods or services where they own stock in the company for any responding vendors or suppliers.
5. Employees must disclose and recuse themselves from participation in the evaluation of any solicitation for goods or services where a member of his/her immediate family owns, manages, or sells for a vendor/supplier.
6. If an employee has additional employment outside of APS, it must not conflict with, or appear to conflict with the interest of the district.
7. APS seeks to ensure the effective and efficient operation of the school system by doing business exclusively with companies and individuals who are ethical, honest, and responsible. Vendor contracts will be terminated if the vendor, subcontractors, or vendor

SECTION 2 ETHICS

subsidiaries are involved in unethical behavior with any APS employee. The Board may exclude any individual or company from contracting with the Atlanta Independent School System for a period of five years, who is debarred pursuant to this policy or who appears on any suspended, excluded or debarment list issued by an agency of the federal, state or local government (i.e. is listed as a party on Substitute for System Award Management (www.sam.gov)).

SECTION 3 PROCUREMENT PROCESS

The procurement process begins when the need to obtain goods or services is identified. All functions that pertain to the acquisition, including requirements development, competitive solicitation process, contract negotiation and award, and all phases of contract administration are included in the procurement process. The first step a requestor takes is to check to see if a District wide contract has been established for the goods or services. If a District contract exists, a requisition can be created by the requestor in a school or department via the Lawson enterprise system.

A requisition is essentially a request to purchase a good or service. The Lawson system verifies that the school or department has the funds to purchase the good or service before the requisition is created (released). Once the requisition is created the funds then become "Committed" and restricted for that purchase.

The requisition is routed for approval based on the amount of the requisition. Requisitions that have a value of \$2,000 or less require level one approval, which is usually a Principal, department head and/or a Budget Center Manager. If the funds being utilized are from another department's budget, then the Program Manager must also approve the request.

Requisitions that are more than \$2,000 but do not exceed \$100,000 require level two approval, which is typically an Executive Director in addition to the level one approval. Again, the Program Manager must approve if the funds being utilized are from other than the requesting department's budget.

Requisitions that exceed \$100,000 require level three approvals, which is typically is a Senior Cabinet Member and the approval of the Chief Financial Officer in addition to the level one and two approvals. Once a requisition has been created and approved at the required levels, it is routed to Procurement.

Procurement staff verify the request against the identified district wide contract and a purchase order is issued and e-mailed or faxed to vendor.

The Open Requisitions Report informs the Procurement Staff who ordered the item, a description of the item, the unit of measure, i.e., case, carton, box etc., the date the requisition was created and the vendor's name if entered by the initiator.

If Procurement determines that the District does not have a contract for the item, quotes may be required or a formal solicitation prepared depending on the cost of the good or service. Please see the purchasing thresholds to determine the number of quotes and approval levels required.

All APS funds, regardless of the fund source, must be spent in compliance with APS Procurement Procedures and Board policies. This includes Federal, State, Local, grant and other fund sources.

SECTION 3 PROCUREMENT PROCESS Quick Reference Competition Thresholds

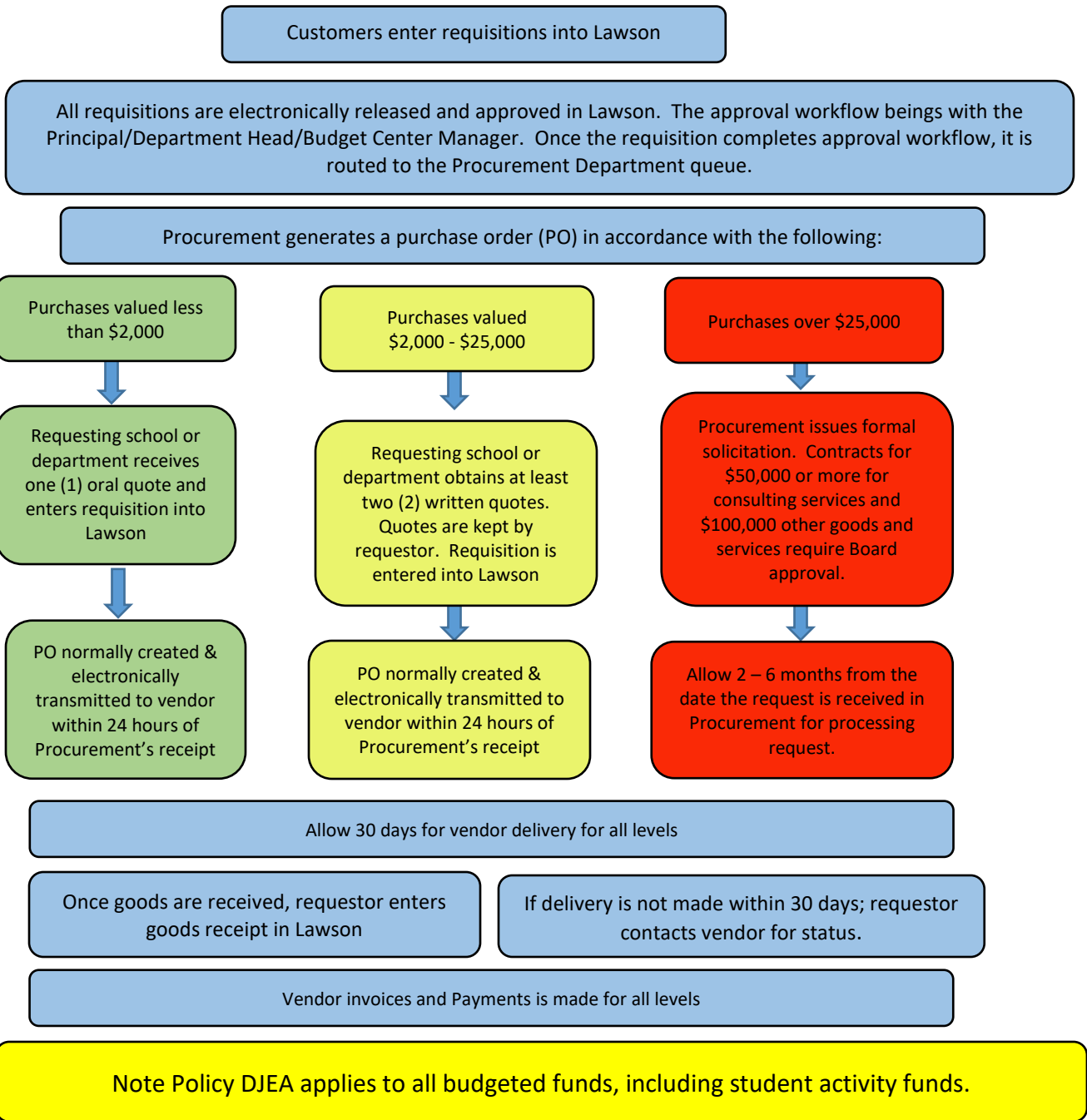
What is my purchasing authority? How do I purchase goods and services?

Purchasing Card (P-Card)

P-Card Utilization: \$2,000 per transaction limit; exception: \$3,000 per transaction limit Title

Requisitions

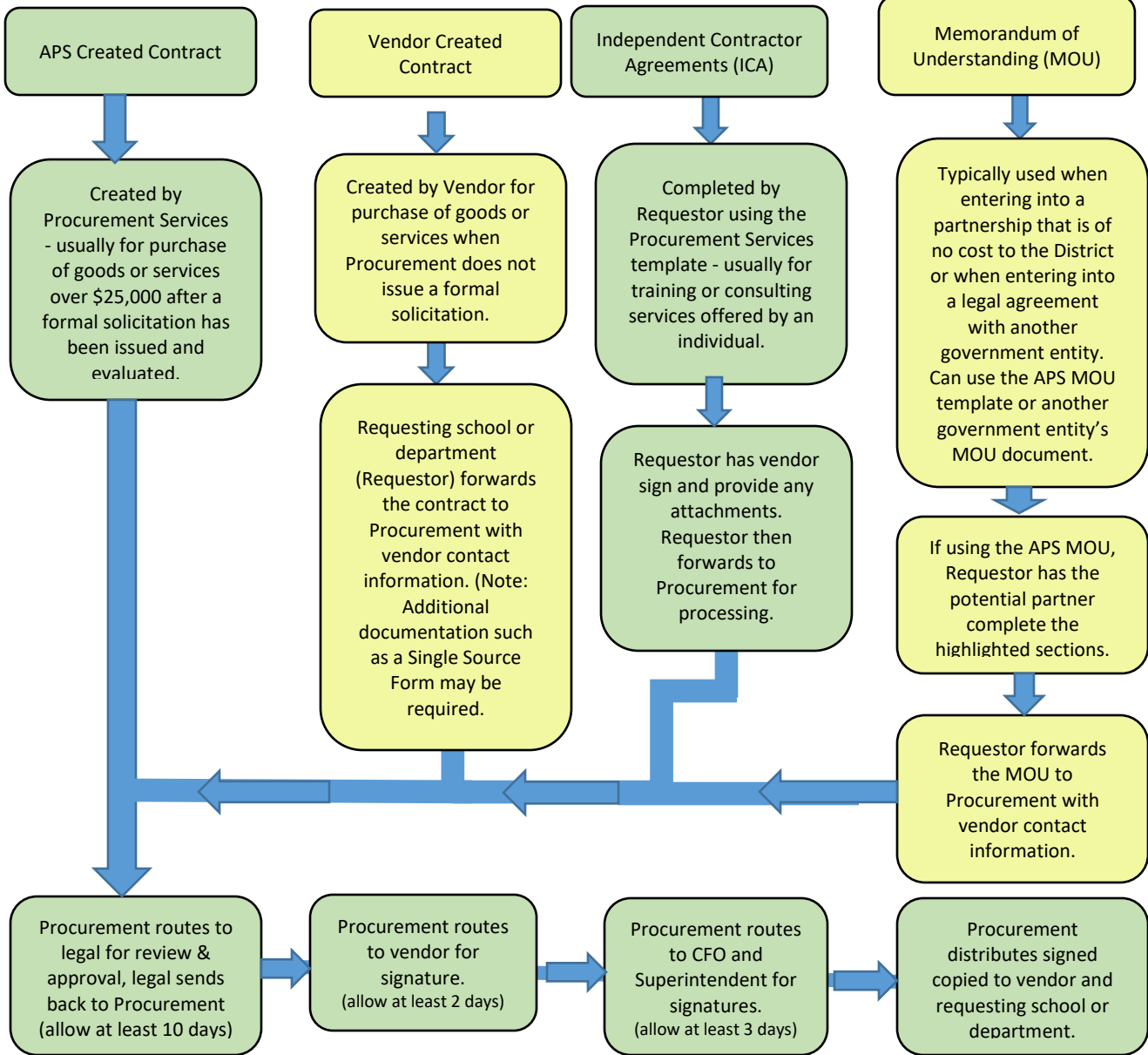
Requisitions are entered into Lawson by the requestor at the school/department.



SECTION 3
PROCUREMENT PROCESS
 Quick Reference
 Legal Agreement Routing & Signing

There are several types of legal agreements that the District enters into for goods and services. The Superintendent (or their designee) is **ONLY** person that can sign any legal agreement for the District.

Before any goods or services can be received, a Purchase Order must be issued to the vendor and/or one of the following legal agreements must be signed by both APS and the vendor:



Note: It takes a minimum of 3 – 4 weeks from the time Procurement receives a contract to obtain required signatures.

SECTION 4 PURCHASING THRESHOLDS

All purchases and contracts for goods and services, except those identified as exempt in Board policy DJEA shall be subject to the following competitive procedures:

Purchases less than \$2,000

- Purchases may be made without getting competitive quotes.
- Requester should use good judgment when making the purchase.
- Requestors are encouraged to pay with a p-card; if eligible.

Purchases from \$2,000 to \$25,000

- Requires at least two (2) written quotes; documentation must be maintained in the Budget Center Manager's files.
- Price quotes can be obtained via fax, e-mail, internet, or from catalogs.
- Requester may enter a requisition which will result in a purchase order being generated once the requisition process is complete.
- Requestor may also pay for the items with a p-card; if eligible.

Purchases Exceeding \$25,000

- Requires a formal solicitation (IFB, RFP, RFQu) conducted by Procurement Services.
- May require Board approval.
- Contract must be executed with recommended vendor(s); if applicable.

Board Approval

- All consultant contracts with a total value of \$50,000.00 or greater require board approval.
- All contracts with a total value of \$100,000.00 or greater require board approval.
- All capital project contracts with a total value of \$200,000.00 or greater require board approval.

Vendors should not provide goods or services until a contract (if applicable) has been executed and a purchase order issued (unless paying with a p-card).

If purchasing from an existing APS contract, the thresholds shown above are not applicable. Goods or services may be purchased within the authorized contract amount by referencing the contract name.

SECTION 5 PROCUREMENT METHODS

Quotes – purchases \$2,000 to \$25,000

Purchases from \$2,000 to \$25,000.00 require the requestor to obtain at least two (2) quotes. Documentation must be maintained in the Budget Center Manager's files and submitted to Procurement Services upon request. If the district has a contract for the goods or services required you may utilize the contract without getting quotes.

1. The department or school identifies a need for goods or services.
2. The department or school should determine if funds are available for the goods or services.
3. The department or school will develop a request for quote that should include the following:
 - a. For goods include specifications, quantity, brand/model number if applicable, unit price and date required.
 - b. For services include scope of work, deliverables, pricing (hourly rate or flat fee) and date required.
 - c. Include the date the quote should be submitted by and whom it should be sent to.
 - d. Contact Procurement Services if assistance is required.
4. Quotes may be obtained by fax, e-mail, internet or catalog.
5. Develop a list of vendors and send the request for quote to each.
6. Compare all responses received to determine the lowest responsive (meeting all requirements) and responsible (having the required financial and technical capabilities) vendor.
7. All vendor quotes should be kept on file at the school or department.
8. Enter a requisition in Lawson for the goods or services or pay with p-card if allowable.

Formal Solicitations – purchases greater than \$25,000

Under board policy DJEA, Purchasing Authority, a formal solicitation is required for all purchases and contracts that exceed \$25,000. All formal solicitations over \$25K must be conducted by the Procurement Service Department. All contracts with a total value over \$100,000 require board approval. All consultant contracts with a total value over \$50,000 require board approval. Board meetings are held on the 1st Monday of each month.

There are four (4) types of formal solicitations used by APS:

- a. Invitation for Bid (IFB);
- b. Request for Proposal (RFP);
- c. Request for Qualifications (RFQu); and
- d. Request for Information (RFI).

An Invitation for Bid (IFB) is used to obtain pricing on specific goods or services. Specifications are provided by the APS owner's representative to be used in the solicitation. The award is made to the lowest responsive responsible bidder. This type of

SECTION 5 PROCUREMENT METHODS

solicitation is most commonly used to purchase goods when the specifications are easily identified.

A Request for Proposal (RFP) is used to obtain goods or services based on a scope of work provided by the APS owners' representative. An evaluation committee will review and evaluate the proposals based on pre-determined evaluation criteria to determine which vendor offers the "best value" to the District. Price is usually not the primary evaluation factor. The evaluation criteria are included in the RFP. The RFP process allows the negotiation of all terms, including price, prior to contract award. This type of solicitation is most commonly used to purchase services or a combination of goods and services.

A Request for Qualifications (RFQu) is used to determine the qualifications of potential responders to gauge potential competition in the marketplace. Responses are reviewed and evaluated by an evaluation committee to determine if the vendor is qualified. The evaluation criteria are determined by the APS owner's representative. The evaluation criteria are included in the RFQu. This type of solicitation is most commonly used to qualify a group of vendors for services or a combination of goods and services. An RFP may be issued to or negotiations may be conducted with qualified responders.

A Request for Information (RFI) is used to obtain information from potential vendors such as best practices, industry standards, technology requirements, etc. prior to issuing a formal solicitation. The information submitted may be used to develop specifications or scope of work for a formal solicitation (IFB or RFP).

Formal solicitations may be done for the following:

- New Solicitation for one time purchase;
- New Solicitation for recurring purchases made by an individual school/department or multiple schools/departments;
- Re-Solicit if the current contract is expiring with no more renewal options; or
- Re-Solicit if the requestor's needs have changed or the awarded vendor is not meeting the District's needs on an existing contract.

All formal solicitations must be conducted by the Procurement Services Department.

SECTION 5 PROCUREMENT METHODS

There are six (6) stages in the procurement process required to complete a formal solicitation. The time to complete each stage may vary by solicitation. The following is a list of the estimated number of days required to complete each stage:

| Stage | Estimated Number of Days to Complete |
|-----------------------------|---|
| 1. Discovery | 7 - 14 |
| 2. Development | 14 - 21 |
| 3. Release | 14 – 28 |
| 4. Evaluation | 7 – 21 |
| 5. Recommendation for Award | 10 – 60 |
| 6. Contract Administration | 30 – 60 |

Typically IFB's are released for a minimum of fourteen (14) days while RFP's and RFQu's are released for a minimum of twenty one (21) calendar days. These dates may vary depending on the complexity of the project, deadlines, or funding requirements. For example, some state/federal funds may require a longer release period; e-rate funds require that solicitations be posted for a minimum of 28 days. Requesting departments are encouraged to plan accordingly for a formal solicitation so as to allow sufficient time to complete the process.

Stage 1 – Discovery

1. The requesting department identifies a need for goods or services that are estimated to cost more than \$25,000.
2. The requesting department should complete and submit a Formal Solicitation Request Form to Procurement Services to begin the process.
3. The Executive Director will assign the request to a Procurement staff member.
4. If the goods or services were previously solicited for by Procurement, the Procurement staff will pull and review the solicitation binder for the previous solicitation. The final solicitation document and addendums (if applicable) will be provided to the requesting department for use as a guide for developing the new solicitations.
5. Upon receipt of the written request, The Procurement Staff will meet with the owner's representative from the requesting department to discuss the solicitation.

Stage 2 - Development

1. The following will need to be determined by the Owner's Representative and Procurement Services:
 - Type of solicitation to be used (IFB, RFI, RFP or RFQu)
 - Tentative timeline
 - Specifications or scope of work
 - Submission requirements

SECTION 5 PROCUREMENT METHODS

- Evaluation criteria (for RFP or RFQu)
 - Names of candidates to serve on the evaluation committee (for RFP or RFQu), typically 3-5 people
 - Name and contact information for potential vendors
 - The Owner's Representative from the requesting department who will be responsible for answering vendor questions about the solicitation.
2. Non-Restrictive Specifications and Procedures – Procurement Services endeavors to use non-restrictive specifications and procedures that conform to accepted public procurement practices whenever possible. Vendors are invited to inform the Executive Director of Purchasing and Warehouse Services whenever specifications or procedures appear not to be fair and open. Such information should be supplied as early as possible in the procurement process to allow time for necessary corrections prior to the scheduled opening date. Information that is received less than five days prior to the scheduled bid opening/proposal closing will not be acted upon unless the Executive Director rules it is in the best interest of APS.
 3. The assigned Procurement Services staff member will create a draft solicitation using the information provided by the Owner's Representative.
 4. The Owner's Representative will review the draft and suggest changes or approve it.
 5. The evaluation criteria should be finalized and approved by the Owner's Representative before the solicitation is released. Note: while the Requesting Department is responsible for determining the evaluation criterion, the Procurement Department must ensure the integrity of the process and therefore may recommend changes to the criteria. Once the evaluation criteria is determined, the relative importance for each item must be established by the Requesting Department. Each criteria should be weighted according to their relative importance.
 6. The evaluation committee members should be identified before the solicitation is released. The Evaluation Committee should include members from different functional areas related to the solicitation subject who are free of bias or conflict of interest. Those members must sign a confidentiality agreement prior to starting their evaluation which will limit them from discussing any part of the process with internal staff or with any vendor that has submitted a proposal. They must also be prepared to be part of the process through completion of the evaluation process. This may include vendor presentations, where applicable.
 7. Once the Owner's Representative signs off on the solicitation document, a peer review is completed by another Procurement staff member and then it forwarded to the Executive Director of Purchasing and Warehouse Operations for approval.

Stage 3 – Release

1. Procurement Services will post the solicitation on the APS BonFire web site and the Georgia Procurement Registry. In addition, Procurement may elect to seek additional advertisement options such as advertising in a newspaper or publication

SECTION 5 PROCUREMENT METHODS

- with statewide/nationwide circulation.
2. The assigned Procurement Staff will send an Outlook invitation to the involved Procurement Services staff and the owner's representative with the time and date the solicitation is due.
 3. If a list of potential vendors is identified, Procurement Services will notify potential vendors when the solicitation is released via e-mail.
 4. If the goods or services have been previously solicited, all vendors that responded to the previous solicitation will be notified.
 5. If applicable, the Procurement Staff may conduct a pre-bid or pre-proposal conference. The requesting department must have a representative at the conference. If a conference is going to be held, an Outlook invitation will be sent to involved Procurement Services staff and the Owner's Representative.
 6. All vendors and APS employees who attend the pre-bid or pre-proposal conference must sign in on the form provided by Procurement Services.
 7. Vendors must submit written questions regarding the solicitation to the Procurement Staff by the deadline listed in the solicitation document.
 8. Procurement staff will forward technical/specification related questions to the owner's representative who will review and provide answers. The Procurement staff will address any procedural questions.
 9. Procurement staff will create an addendum with all questions and answers submitted by vendors which will be posted on the APS web site.
 10. Vendors must submit responses by the date and time specified in the solicitation and in the manner specified in the solicitation documents.
 11. **Bid Opening (IFB only)** - All bids received in response to an Invitation for Bid (IFB) shall be publicly opened on the scheduled date and time shown in the solicitation. At least two Procurement staff will be present at the bid opening. Bidders' names and the bid prices will be read aloud. No commitment or statement regarding contract award will be made. All bids are subject to review to verify they are both responsive and responsible.

Stage 4 - Evaluation

Administrative Review

The administrative review should identify the following:

- a. All late bids/proposals;
- b. Any bids/proposals which are missing required documents or information; and
- c. Any bid/proposal submitted by a vendor which is currently debarred by APS according to the vendor's response on the offeror information form.

Procurement staff review each bid/proposal response to ensure that the vendors did make any obvious mistakes in their submission, e.g., the sum of individual line items does not equal the total price or the extended cost is incorrect. If a vendor appears to have made a mistake, the Procurement Staff should immediately notify the bidder in writing of any

SECTION 5 PROCUREMENT METHODS

apparent mistake in his/her submission and request verification. The bidder must submit the verification in writing; a copy of the verification should be placed in the solicitation binder.

If the extended cost (unit cost x quantity) is incorrect, the unit cost will be the accepted cost rather than the extended cost. The vendor will be notified as specified in the preceding paragraph.

Each bid/proposal will be declared responsive or non-responsive. A Responsive bid/proposal is one that fully confirms to all material respects of the solicitation document requirements. Responsive bids will be evaluated by the Procurement staff and Owner's Representative. Responsive proposals will be evaluated by the evaluation committee. Non-responsive bids/proposals will not be evaluated further. Procurement will attempt to complete the administrative review within two (2) business days after the closing date of the solicitation. However, the time may vary depending on the number of responses received and other projects that Procurement staff are working on.

Evaluating a Request for Proposal (RFP) Request for Qualifications (RFQu), or Request for Information (RFI)

1. All vendor proposals that pass the administrative review will be evaluated based on the criteria listed in the solicitation document.
2. The Executive Director of Purchasing and Warehouse Operations is authorized to waive informalities, technicalities, irregularities and administrative mistakes in proposals.
3. The evaluation will be done by a committee of typically three to five people however the number of evaluators may vary by solicitation. Evaluation Committee members will be identified prior to the start of the evaluation.
4. All evaluation committee members are required to complete conflict of interest and non-disclosure declarations prior to reviewing and evaluating proposals.
5. The Procurement staff will work with the Owner's Representative and Evaluation Committee members to facilitate the evaluation process.
6. The evaluation committee will complete an initial review of the responses based upon the published evaluation criteria. Any areas requiring clarification will be identified. Evaluators must provide comments to support their scores.
7. The evaluation committee may call upon individuals from within or outside the school system to assist with interpretation of information provided by vendors in response to a solicitation when the evaluation committee does not believe they have adequate knowledge to analyze the response. These individuals will be considered non-voting members of the evaluation committee.
8. Once the initial evaluation phase is completed, the committee will identify proposals in the competitive range (based upon evaluation criteria scores.) The competitive range is defined as the proposals determined during the evaluation process of having a reasonable chance of being selected for award. Vendors must

SECTION 5 PROCUREMENT METHODS

receive at 70% of the points possible to move to the competitive range. Vendors in the competitive range may be required to give an oral presentation and/or submit a Best and Final (BAFO) offer. Proposals not in the competitive range are given no further consideration.

9. Vendors may be required to do an oral presentation or demonstration as part of the evaluation process. Procurement staff will schedule the presentation/demonstration with vendors and prepare an agenda identifying topics APS would like to see addressed. The agenda will be sent to the vendors who will be making a presentation/demonstration and all members of the evaluation committee. All evaluation committee members who participated in the initial evaluation must attend all presentations/demonstrations. If any member is unable to attend then their initial evaluation will not be considered. The presentation/demonstration will be evaluated by the evaluation committee. Scores from the presentation/demonstration will be added to the initial evaluation scores
10. Once all proposals have been evaluated, a best and final offer (BAFO) may be requested from each vendor.
11. Procurement Services may permit revisions, after submission and prior to award, for the purpose of obtaining best and final offers (BAFO). In conducting any such discussions, no disclosure will be made of any information derived from proposals submitted by competing vendors.
12. Once all Evaluation Committee Members have completed their evaluation, the Procurement staff will create an Evaluation Summary that shows the scores for each vendor.
13. The Procurement staff will score pricing and add to the Evaluation Summary.
14. When all proposal responses are unreasonable or unacceptable as to terms and conditions, are non-competitive, or the best value response exceeds available funds and it is determined in writing by Procurement Services that time or other circumstances will not permit the delay required to re-solicit competitive proposals, a contract may be negotiated provided that each responsible vendor who submitted such an offer under the original solicitation is notified of the determination and is given a reasonable opportunity to negotiate. In cases where the proposals received are non-competitive or the best value exceeds available funds, the negotiated price shall be lower than the lowest rejected offer of any responsible vendor under the original solicitation.
15. A Solicitation Award Recommendation will be made to the responsive and responsible vendor(s) whose proposal is determined in writing to be in the best interest of (best value to) the District, taking into consideration price and the evaluation factors set forth in the RFP document. The RFP file will contain the basis on which the award recommendation was made.
16. The Evaluation Summary will be sent to the Owner's Representative for review. Pricing and copies of vendor proposals (if requested) should also be sent to the Owner's Representative for review.

SECTION 5 PROCUREMENT METHODS

17. The Owner's Representative must sign off on the Solicitation Award Recommendation.
18. The Evaluation Summary will be sent to the Executive Director, Purchasing and Warehouse Operations for review and approval.

Evaluating an Invitation to Bid (IFB)

1. All vendor bids that pass the administrative review will be evaluated.
2. Bids are not evaluated by a committee. The Procurement staff will create a bid tab using information submitted on bid forms and review with the Owner's Representative once it has been certified.
3. Award will be made to the lowest responsive and responsible vendor
4. When an item is the low bid (price) but does not meet specifications, it will be indicated on the bid tab along with the reason the item does not meet specifications.
5. When all bid responses are unreasonable or unacceptable as to terms and conditions, are non-competitive, or the low bid exceeds available funds and it is determined in writing by Procurement Services that time or other circumstances will not permit the delay required to re-solicit competitive bids, a contract may be negotiated provided that each responsible vendor who submitted such a bid under the original solicitation is notified of the determination and is given a reasonable opportunity to negotiate. In cases where the bids received are non-competitive or the low bid exceeds available funds, the negotiated price shall be lower than the lowest rejected bid of any responsible vendor under the original solicitation.
6. The Executive Director of Purchasing and Warehouse Operations is authorized to waive informalities, technicalities, irregularities and administrative mistakes in bids.
7. The Owner's Representative must sign-off on the Solicitation Award Recommendation.
8. A tabulation and evaluation of proposals shall be prepared and made available for public inspection after award of contract.

Resolving Tie Bids

A tie bid exists when two (2) or more bidders offer, at identical prices, products that meet all specifications, terms, and conditions. In such a situation, APS will use the following to determine award in the order listed below:

1. Preference for goods or services provided by Offeror whose home office is located within Fulton County Georgia;
2. Preference for goods or services by Offeror whose home office is located within the State of Georgia;
3. Earliest delivery date, if applicable; or
4. Flip of a coin conducted by the APS Procurement Services Department.

SECTION 5 PROCUREMENT METHODS

Awarding a Contract to Multiple Vendors

If awarding contracts to more than one vendor, the Owner's Representative should determine the number of vendors that will be required to meet the needs of the District.

Stage 5 – Recommendation for Award

1. Recommendation for Award - Under \$100k

- a. Requesting department signs off on recommendation for award.
- b. Letter(s) of intent are sent to recommended vendor(s).
- c. Vendor(s) submit certificate of insurance.
- d. Typically takes 7 - 10 days to process.

2. Recommendation for Award - Over \$100k

- a. Requesting department signs off on recommendation for award.
- b. Procurement Services creates a board action item with input from the requesting department and submits to the board for approval.
- c. Board action items must be submitted based upon the board calendar, typically at least 3 weeks prior to the board meeting in which they will be discussed.
- d. If approved by the board, letter(s) of intent are sent to recommended vendor(s),
- e. Vendor(s) submit certificate of insurance.
- f. Typically takes 30 – 60 days.

Award Notices

Awards will posted on the APS web site at:

- <http://www.atlanta.k12.ga.us>
- Departments and Services
- Procurement
- Contracted Vendors

Notice of Non-Award

A notice of non-award will be sent to each vendor that responded to a formal solicitation that is not being recommended for award.

Single Bid or Proposal

If only one bid or proposal is received in response to an IFB, RFP or RFQu, an award may be made to the single offeror if the Executive Director of Purchasing and Warehouse Operations Services determines that the price submitted is fair and reasonable and the proposal meets the specifications of the solicitation.

Stage 6 - Contract Administration

1. Once an award recommendation is made, a contract between APS and the recommended vendor(s) will be drafted and sent to the vendor for signature.

SECTION 5 PROCUREMENT METHODS

Exception: awards that will be purchase via purchase order only.

2. The contract is forwarded to APS legal for review.
3. Legal counsel approves or recommends changes to the contract.
4. The approved contract is forwarded to the vendor and superintendent's office for signatures.
5. A contract between APS and the vendor must be executed before goods or services can be provided.
6. Many contracts include renewal options that can be exercised at the direction of the owner's representative. If a contract contains a renewal option, the owner's representative will be contacted by a Contract Administration 30 - 90 days of the renewal date to determine whether or not the department wishes to renew the contract.
7. Please note that options years are exercised for the same specifications or scope of work that was included in the solicitation.

Post Award Conference

It is typically recommended that a post award conference be held with the awarded vendor(s). Procurement staff will schedule the meeting and prepare an agenda. A representative from the user department should attend the meeting in order to review and discuss APS business practices, terms and conditions of the contract, and APS' responsibilities and the vendor.

In cases when a vendor is unable or unwilling to perform after a contract has already been approved by the board, the superintendent or his/her designee may proceed to engage the next-highest rated vendor without repeating the board approval process so long as the total value of the contract does not exceed the amount approved by the board.

SECTION 6 EXCEPTIONS TO FULL AND OPEN COMPETITION

A. Excluded Items that are only available from one source such as:

1. Regulated utilities
2. MARTA passes
3. Postage
4. Organizational/professional memberships
5. Conference registration fees
6. Certain periodical subscriptions available only from the publisher
7. Notices required by law to be published in specific newspapers
8. Testing materials from the test publisher or licensed agent
9. Maintenance agreements from the original vendor or authorized agent when the same cannot be competitively bid
10. Specific items mandated by state or federal agencies

The Procurement staff may require additional backup to support the designation of excludable.

B. Single/Sole Source Purchase Request

1. Sole Source Purchases – Sole source purchases are defined as those purchases of goods or services that can only be obtained from one source in the marketplace. Such goods or services will usually be of a unique nature and have performance characteristics and/or other attributes that can only be obtained from that source.
2. Single Source Purchases – Single source purchases are defined as those purchases of goods or services that, for a justifiable reason such as compatibility or standardization, are obtained from one source among others in a competitive marketplace. Single source purchases may include contracted services or academic materials required from a specific source to meet an academic or professional learning program priority at the discretion of the superintendent.
3. Approval of Single/Sole Source Purchases
 - a.) A Single/Sole Source Purchase Request must be completed and submitted to Procurement Services for any purchase exceeding \$25,000.00 that has not been competitively bid. For single/sole source purchases between \$2,000 and \$25,000, it is the requestor's responsibility to maintain documentation supporting their decision.
 - b.) A single or sole source procurement must be based on the requestor's investigation and evaluation of the requested product or service.

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- c.) If the request is approved the form will be sent to the Superintendent for review and signature.
- d.) If the total cost of the goods or services is over \$100k it will require board approval.
- e.) If the single/sole source is for consulting services and is over \$50k it will require board approval.
- f.) If the request is not approved by Procurement Services or the Superintendent, it will be returned to the requesting school or department with reason for denial.

C. Emergency Purchase Request

1. Emergency purchases of supplies or contracted services may be made when the superintendent or her/his designee determines that an emergency exists that threatens the health, welfare or safety of students, staff members, the district or the public. Such emergency procurements shall be made with as much competition as is practicable under the circumstances. At the regular legislative meeting the next month following an emergency purchase, the board shall receive a written report of all emergency procurements including the basis for the emergency, the selection process for the provider, the name of the provider, the amount and type of the contract or purchase, and a listing of the goods or services procured under the contract or purchase.
2. Reporting of an Emergency Purchase
 - a.) The requesting school or department should find an appropriate source.
 - b.) This does not relieve the school or department from seeking competition to the maximum extent practicable, negotiating a fair and reasonable price, and documenting the purchase action.
 - c.) If possible the requesting school or department should confer Procurement Services to ascertain if there are contracts in place for the goods or services.
 - d.) The school or department should also check the vendor's availability, qualifications, insurance coverage, warranties or other data pertinent to the purchase.
 - e.) An Emergency Purchase Request must be completed and submitted to Procurement Services.
 - f.) If the Director of Procurement Services approves the request, the requesting school or department will be notified.
 - g.) Approved Emergency Purchases are reported to the Board at the next regularly scheduled board meeting.
 - h.) If the request is not approved, it will be returned to the requesting school or department with reason for denial.

SECTION 7 Cooperative Contracts

Board Policy DJEA allows for purchases to be made through existing contracts or bids that have been established through a competitive selection process by another local, state or federal governmental agency or a purchasing cooperative. This is often referred to as “piggybacking” on an existing contract.

If a department has an interest in piggybacking on an existing contract they must submit the following documentation to Procurement Services:

1. Copy of award letter
2. Copy of executed agreement / contract

Procurement Services will review the documentation then contact the sponsoring agency and awarded vendor to determine if APS can utilize the contract. If APS is required to sign a contract or contract amendment it will be forwarded to APS Legal for their review and final approval. Once Legal has completed their review, the requesting department will be notified of the next steps in regards to approval or another sourcing alternative.

Guidelines for utilizing a cooperative and/or piggyback contract(s) are as follows:

- If the contract has any IT components, the request must also be review by the APS IT department.
- If federal funds are the source of funding, the cooperative contract award must comply with required federal procurement requirements.
- The contract must have been competitively solicited/negotiated, comply with State of Georgia Laws, and permission be granted by all contracting parties for utilization by APS.
- Procurement Services and the requesting department should determine that the goods or services meet the requirements of APS.
- Procurement Services and the requesting department should determine that pricing is fair and reasonable.
- If the piggyback is approved and the annual spend is over \$100,000, board approval is required.
- Once a cooperative contract is approved and board approved (if applicable) a Letter of Intent should be sent to the vendor.

Listed below are some state and cooperative contracts that APS has utilized:

- State of Georgia
<http://statepurchasing.doas.ga.gov>
- Sourcewell (Formerly National Joint Powers Alliance – NJPA)
<https://www.sourcewell-mn.gov/>
- National Intergovernmental Purchasing Alliance (formerly The Cooperative Purchasing Network)
www.nationalipa.org
- U.S. Communities
www.uscommunities.org
- NASPO ValuePoint Cooperative Purchasing Organization (formerly WSCA- NASPO)
www.aboutwsca.org

SECTION 8 Local Preference

In order to encourage and promote Atlanta Public Schools contracting opportunities with local businesses, formal solicitation processes may give preference to proposals and bids from local businesses based on the following rules. Local preferences are prohibited when federal funds are the source of funding.

Local Area

The chart below shows the counties and cities considered local for preference purposes. A business must have been registered in one of the below jurisdictions for at least 12 months to receive local preference.

| County | Cities |
|----------|---|
| Clayton | Forest Park, Jonesboro, Lake City, Lovejoy, Morrow, Riverdale |
| Cobb | Acworth, Austell, Kennesaw, Mableton, Marietta, Powder Springs, Smyrna, Vinings |
| DeKalb | Atlanta, Avondale Estates, Chamblee, Clarkston, Decatur, Doraville, Dunwoody, Lithonia, Pine Lake, Stone Mountain |
| Fulton | Atlanta, Alpharetta, Chattahoochee Hills, College Park, East Point, Fairburn, Hapeville, Johns Creek, Milton, Mountain Park, Palmetto, Roswell, Sandy Springs, Union City |
| Gwinnett | Berkeley Lake, Buford, Dacula, Duluth, Grayson, Lawrenceville, Lilburn, Loganville, Norcross, Snellville, Sugar Hill, Suwanee |

Certification

Local businesses that wish to receive preferential consideration shall submit a copy of one or more valid Occupational Tax Registration Certificate(s) issued by Clayton, Cobb, DeKalb, Fulton or Gwinnett counties or by a city government located within the five-county metro area (e.g. Atlanta, Decatur, Marietta) covering the last 12 month period to certify qualification for the preference as part of each proposal or response.

Procedures for local preference

Request for Proposals (RFP) – If a local business meets the quality standards established for the RFP process, the local business shall be awarded five (5) additional points in the total evaluation. The evaluation and scoring of all proposals shall be conducted in accordance with departmental procedures issued by the Chief Financial Officer or his/her designee.

Invitations to Bid (IFB) – In general, price is the deciding factor in APS invitation to bid processes. In cases when two or more responses offer the same price to the district, local preference will be used as a tiebreaker.

SECTION 9 Unauthorized Purchases

Unauthorized Purchase Definition

Purchases that commit the District financially made by an individual or individuals who lack the authority to do so or are made without following established District purchasing policies and procedures.

Unauthorized purchases have a negative impact in many areas and result in claims by vendors that require investigation and delayed payment. In turn, this could result in a credit hold and damage to the District's reputation. Further, disciplinary actions may be taken against the individual or individuals involved as it is considered a breach of duty to make any purchase or contract to lease or purchase or to aid and abet in making the same, other than through the approved procurement procedures or with the written authorization of the Superintendent.

Ratification

An unauthorized purchase may be ratified for payment if the following parameters are met:

1. APS has or will receive the full benefit of the unauthorized purchase
2. Funds are available for payment
3. The price paid was reasonable

Processing an Unauthorized Purchase Ratification Procedures

1. An unauthorized purchase ratification request form must be completed and submitted to Procurement Services for any unauthorized purchase.
2. Procurement Services will review the request and notify the requesting department of their findings.

Approximately five (5) business days are required to evaluate and process an unauthorized purchase ratification request. Please consider this when submitting a request, and allow sufficient time for evaluation and processing.

SECTION 10 Vendors

In order to do business with Atlanta Public Schools a vendor must first register with the Procurement Services Department. The vendor must complete and submit an application to Procurement Services. The application is available on the APS Procurement Services web site at: <http://www.atlantapublicschools.us>

The application takes 3-5 business days to process. Once the application has been processed the vendor will be assigned a vendor number. Vendors are responsible for notifying Procurement Services of any changes in contact information.

There are two (2) categories of vendors recognized by APS:

- a. Registered
- b. Awarded

A **registered vendor** is one who has submitted a vendor application to Procurement Services and been assigned a vendor number. This allows the vendor to participate in the procurement process. Once the vendor has received a Lawson ID, they should be notified that they are an APS registered vendor.

An **awarded vendor** is one who has been determined to be the lowest responsive responsible bidder or offers the best value to the District as the result of a formal or informal solicitation. An awarded vendor must also be a registered vendor.

Debarment

The Atlanta Board of Education seeks to ensure the effective and efficient operation of the school system by doing business exclusively with companies and individuals who are ethical, honest, and responsible. The Board may exclude any individual or company from contracting with the Atlanta Independent School System for a period of five years, who is debarred pursuant to this policy or who appears on any suspended, excluded or debarment list issued by the agency of the Federal, State or local government (i.e. is listed as a party on the Excluded Party List System (EPLS) of the United States Government.)

The entire DJEBB policy can be found on Atlanta Public Schools Board Docs:
<https://www.boarddocs.com/ga/aps/Board.nsf/goto?open&id=9DGK564F8144#>

SECTION 10 Vendors

Approved Vendor List

The award of formal solicitations or adoption of piggyback contracts results in contracts being awarded to one or more vendors to provide the goods or services identified in the solicitation. Only approved vendors should be used to purchase the goods or services specified in the formal solicitation / piggyback contract.

If a Request for Qualifications (RFQu) is used, then a pool of qualified vendors is identified. As many of the qualified vendors as is practical for a particular project should be given an opportunity to submit quotes for goods or services required by the district. At least two vendors should be contacted for each project.

The requesting department should develop a request for quote including the following:

1. Detailed scope of work for the project
2. Project deliverables
3. Term, duration of project and/or project timeline
4. Vendor requirements (experience, qualifications, etc.)
5. Payment (how/when payment will be made)
6. Pricing (hourly rate, lump sum, flat fee, etc.)
7. Background check requirements
8. Submission requirements including due date and time, name of the person to submit the RFQ to, method of submission (e-mail, fax) and what information the vendor should submit with their RFQ.

A request for quote (RFQ) should only be sent to vendors in the approved pool.

The requesting department shall determine the criteria that will be used for evaluating the RFQs.

All vendor responses shall be evaluated by the requesting department using the pre-determined criteria.

The vendor(s) shall be selected once the evaluation process has been completed.

The requesting department shall enter a requisition in Lawson and reference the formal solicitation name and number or piggyback name and contract number.

The requesting department should maintain the following records:

1. A copy of all vendor quotes submitted.
2. The criteria that was used to evaluate the quotes.

A statement of justification for selecting the recommended vendor (i.e. lowest prices, availability, other)

SECTION 11 Contracts

This section describes the Procurement Department's procedures for submission and approval of a contract. Please refer to your Department's leadership for any additional internal policies that must be followed before contracts are submitted to Procurement

Only the Superintendent or her designee is authorized to execute a contract or create a financial obligation for the District. Unauthorized persons who execute contracts that obligate the District may be held personally liable for any associated costs and subject to disciplinary action up to and including termination.

All contracts must be sent to Procurement Services for review and confirmation that the goods or services were procured in accordance with Board Policy. If the Procurement procedures were followed the contract will be reviewed and approved by the Procurement Department, and if necessary, the contract will be sent to the Legal Department for final review.

If the procurement requirements have not been met, the contract will be returned to the requesting department with reason for denial.

Contracts Requiring Board Approval (Per Board Policy DJEA/DO)

The following contracts may not be awarded without Board approval:

- Consultant contracts when a consultant is to be paid more than \$50,000 in a single contract or more than \$50,000 cumulatively in separate contracts in any fiscal year.
- All capital project contracts with a total annual value of \$200,000 or greater.
- All other contracts for goods and/or services with an annual total value of \$100,000 or greater.
- Lease or lease-purchase agreements that are more than one year in duration for the purpose of leasing real property owned by APS.

Types of Contracts

There are three (3) commonly used types* of contracts utilized by APS:

- Standard Agreement for Goods and Services
- Independent Contractor Agreement
- Memorandum of Understanding

* On occasion APS may utilize other types of contracts or agreements such as vendor provided contracts.

Standard Agreement for Goods and Services

The standard agreement for goods and services is used primarily for companies that will be providing goods or services to the District. The term is typically for one (1) year or less and may have optional renewal terms.

It is APS policy to use its standard agreement for goods and services when making an award from a formal solicitation. The APS Legal Department may allow a contract form submitted by

SECTION 11 Contracts

an awarded vendor to be used when it is determined to be in the District's best interest.

Independent Contractor Agreement

The Independent Contractor Agreement is used primarily for individuals working on discrete and specialized projects on a short or long-term basis. The term of the contract will vary depending on the project. Independent contractors are not on the APS payroll, taxes are not withheld from their payments, and contractors typically employ their own tools and set their own hours.

General Information Regarding Independent Contractors

1. APS cannot contract with current APS employees.
2. The independent contractor must be registered as a vendor with APS.
3. Teachers' Retirement System (TRS) retirees cannot receive payment from APS totaling more than the threshold amount established by TRS based on an individual's retirement benefits.
4. City of Atlanta General Pension Fund retirees can only work for one (1) year as an independent contractor for APS.
5. The requesting department must submit the following to Procurement Services:
 - a. Independent Contractor Agreement form including attachment "A", Scope of Service. The Scope of Service must contain a list of **clear deliverables** the contractor will provide to APS and must be populated with the relevant information.
 - b. Copies of either the competitive quotes obtained or the single/sole source justification form (if applicable) for the services should be maintained by the requesting department in the event of an audit.
6. The independent contractor **cannot begin work** until a purchase order has been issued by Procurement Services.

Procurement Services will review all ICAs for:

- Relevancy and clarity of the deliverables in the Scope of Services
- Previous contract history with the particular independent contractor
- The appropriate number of quotes received
- The appropriate signatures on the agreement
- Classification as a Contractor (instead of an Employee)

For retirees, TRS or the City of Atlanta Pension Board will review and send a letter to APS Human Resources notifying Human Resources of the retiree's eligibility to work as an independent contractor. Human Resources will forward a copy of the letter to Procurement Services. Procurement Services will then forward the agreement to the APS Legal Department for review and approval. After the legal department approves an agreement, it is forwarded to the Superintendent to sign. Once signed, the Independent Contractor Agreement will be returned to Procurement Services.

SECTION 12 Board Agenda Items

Under board policy DJEA, Purchasing Authority, the following must be approved by the board:

1. Capital project contracts with a total annual value of \$200,000 or greater
2. Consultant contracts with a total annual value of \$50,000 or greater
3. All other contracts with a total annual value of \$100,000 or greater

Board action items may be created for the following:

1. A formal solicitation conducted by Procurement Services
2. A single/sole source purchase request
3. Authorization to piggyback off of an existing contract
4. To amend a previous board action item

SECTION 13 Protests

Written protests relative to the specifications or the solicitation document shall be filed not later than five (5) working days prior to the due date.

Other written protests shall be filed not later than five (5) working days after the due date, or if the written protest is based on subsequent action of the APS, not later than five (5) working days after the aggrieved person knows or should have knowledge, of the facts giving rise to the protest.

Written protests are considered filed when received by the Executive Director of Procurement Services. Protests, which are not filed in a timely manner, as set forth above will not be considered. All protest shall be handled in an expeditious manner ensuring that all relevant facts are gathered and considered before reaching a decision on the validity of the protest. APS will only consider protests from Vendors who submitted a timely response to an APS issued competitive solicitation or those who were prevented from doing so due to an alleged irregularity.

Procedures

1. Protests must be submitted in writing via U.S. mail, overnight delivery, or hand delivery to:
Executive Director of Procurement Services
Atlanta Public Schools
130 Trinity Ave., SW
Atlanta, GA 30303-3624
2. At a minimum, the protest must include the following:
 - Name, number, and related section number of the solicitation/contract;
 - Reason for protest;
 - Documentation supporting the protest and/or allegations;
 - Statement of the specific relief requested, and
 - Signed by a company officer authorized to sign contracts on behalf of the protestor.
3. APS will review the protest and determine if any APS policies or procedures were violated.
4. A written response detailing APS' decision will be provided by the Executive Director of Procurement Services within thirty days after receipt of the Protest. The Executive Director of Procurement's decision shall be final.