



Mount Diablo Unified School District

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MOUNT DIABLO UNIFIED SCHOOL DISTRICT

PURCHASING DEPARTMENT POLICIES AND PROCEDURES

Revised - October, 2007

Mt. Diablo Unified School District
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<http://www.mdusd.k12.ca.us/mddist/purstuff/purch-whse.htm>

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PROCEDURES FOR PURCHASING

Overview

The purpose of these policies and procedures is to ensure that goods and services necessary for the operation of the sites are obtained at competitive prices, to guarantee fairness in the selection of vendors, and to minimize opportunities for corruption. Through the use of these policies, purchasing at the Mount Diablo Unified School District (hereinafter “District”) will be an open and a fair process.

These policies and procedures are consistent with the State of California Public Contract Code Sections 20110-20118.4 and the State of California Education Code Part 49, (commencing with Section 81000) and represent the basic intentions and goals of the Board of Education (hereinafter “Board”) the Mount Diablo Unified School District will be an open and a fair process.

NO PURCHASES SHALL BE MADE EXCEPT AS PROVIDED BY CALIFORNIA LAW, BOARD POLICES AND THESE PROCEDURES FOR PURCHASING. ONLY OFFICERS OR EMPLOYEES EXPRESSLY AUTHORIZED BY BOARD POLICY AND THESE PROCEDURES SHALL MAKE ANY PURCHASE OR ENTER INTO ANY CONTRACT FOR THE PURCHASE OF GOODS, SUPPLIES AND SERVICES ON BEHALF OF THE MOUNT DIABLO UNIFIED SCHOOL DISTRICT. ANY PURCHASE OR CONTRACT MADE IN VIOLATION OF BOARD POLICY OR THESE PROCEDURES IS VOID AND NOT BINDING ON THE DISTRICT.

The Board of Education authorizes the Assistant Superintendent of Administrative services or the Purchasing Director to approve purchase of materials, equipment and services not to exceed \$69,000 (or as adjusted annually by the Price Deflation Index). All purchases of \$69,000 or more requires Board approval.

Any person who is authorized to make purchases for the District and who engages in malfeasance shall be personally liable for such action.

Business and Non-Instructional Operations

EXPENDITURES/EXPENDING AUTHORITY

The Superintendent or designee may purchase supplies, materials, equipment and services up to the amounts specified in Public Contract Code 20111, beyond which a competitive bidding process is required.

Requisitions

Requisitions for budgeted items shall originate from the key personnel directly responsible for their use. The Assistant Superintendent, Administrative Services, shall arrange appropriate administrative reviewing channels whereby all requisitions will be examined and approved, or disapproved, for purchasing.

The Superintendent or designee may authorize an expenditure which exceeds the budget classification allowance against which the expenditure is the proper charge only if an amount sufficient to cover the purchase is available in the budget for transfer by the Governing Board.

All transactions entered into by the Superintendent or designee on behalf of the Board shall be reviewed by the Board every 60 days. (Education Code 17605)

No district funds shall be expended for the purchase of alcoholic beverages. (Education Code 32435)

The Board shall not recognize obligations incurred contrary to Board policy and administrative regulations.

Business and Non-Instructional Operations

PURCHASING PROCEDURES

All purchasing activities shall be performed in accordance with recognized purchasing procedures, and within the limitations of applicable laws, codes, and regulations.

The Governing Board authorizes the Assistant Superintendent, Administrative Services or the Purchasing Director to initiate the Notice calling for bids for work to be done and materials, supplies and services to be furnished; such work to be done and materials, supplies and services to be furnished as approved in the budget for the current fiscal year.

The Purchasing Department shall strive to obtain the maximum value of each expenditure through:

1. Buying the proper product for the purpose required
2. Having the product available when needed
3. Buying the proper quantity of the product
4. Paying the proper price; life cycle costing shall be a consideration
5. Meeting District standards and specifications
6. Vendor Performance

The Purchasing Department shall strive to meet the District's 3% participation goal for Disabled Veteran Business Enterprises on projects that use funds allocated by the State Allocation Board pursuant to the Leroy F. Greene School Facilities Act.

All purchase commitments will be made with the best interest of the District receiving primary consideration in all transactions. Purchase commitments for goods and services purchased shall meet the needs of the person or department ordering them at the lowest price consistent with standard purchasing practices. Maintenance costs, replacement costs, and trade-in values shall be considered when determining the most economical purchase price.

Purchase commitments shall not be made with District employees except in the case of proprietary items or where a significant price advantage to the District exists.

All purchases shall be made by formal contract or purchase orders, or shall be accompanied by a receipt.

All bidders shall be given an equal opportunity to compete for District business.

PART 1 - DISTRICT PURCHASING POLICIES

Business and Non-Instructional Operations

PURCHASING PROCEDURES

Administrative Regulations

1. The Purchasing Department shall conduct and/or authorize purchase transactions for the District as well as transactions for the sale or disposal of surplus personal property.
2. The Board shall make awards for those contracts involving an expenditure of dollars in the amounts required by Public Contract Code 20111.
3. Purchases shall be by competitive bid, either oral or written, with award to the lowest responsible bidder meeting terms, conditions, and specifications.
4. The procurement of certain materials and services, including but not limited to perishable food stuffs, professional services, and transportation may be obtained without competitive bidding.
5. When purchasing food, the District shall give preference to produce grown in the United States and/or processed in the United States insofar as this is economically feasible considering the total cost, quantity and quality of the food. (Public Contract Code 3410)
6. Specifications shall be clear, complete and conducive to competitive bidding. They will be developed to accurately reflect the needs of using departments. Recommended specifications are a prerogative of the using department; however, the Purchasing Department may question the quality and appropriateness of such specifications and should make recommendations relative to safety, health, economy and alternate materials. Disagreement over specifications that cannot be reconciled by the Purchasing Department shall be referred to the Assistant Superintendent, Administrative Services, for decision.
7. Requests for quotation to various bidders shall incorporate identical terms, conditions, and specifications; be distributed at the same time; allow reasonable time for responsible bidders.
8. Upon written request, bidders will be added to a bid list maintained in the Purchasing Department.
9. When two or more bidders are considered equal, price fitness and quality being equal, the District shall give preference to supplies manufactured, grown or produced in California, and shall next prefer partially manufactured, grown or produced in California. (Government Code 4331)
10. Formal bids will be advertised at least once a week for two weeks in a newspaper or general circulation published within the District's boundaries.

Business and Non-Instructional Operations**PURCHASING PROCEDURES**

11. Formal bids will be publicly opened and read at the time and place prescribed in the Notice to Bidders. Evaluation of bids and recommendation for award will be made by the Director of Purchasing to the Board.
12. Purchases made in the name of the District without an authorized purchase order, or contrary to the guidelines of the petty cash policy, shall be considered a personal obligation of the individual making the purchase and not an obligation of the District. The Director of Purchasing may authorize such purchases on a case-by-case basis.
13. The Purchasing Department shall establish and maintain practical, efficient procedures, reports, records, and systems that will permit maximum effort to the educational program and support services, and assist the administration in its role of management.
14. The Purchasing Department will make purchase commitments only after Board approval of the budget or bid award.
15. The Purchasing Department shall prepare and maintain catalogues of standard supplies, based upon the principles of simplification and standardization.
16. The Purchasing Department shall maintain a file of current trade catalogues, available as a resource to all departments.
17. All requests for prices or quotations for equipment and supplies and all purchase commitments shall be made by the Purchasing Department.
18. If it is necessary to contact salespeople regarding special or highly technical details of their products, schools or departments should request such visits through the Purchasing Department.
19. All communications with suppliers should be through the Purchasing Department. The Purchasing Department may delegate this responsibility where technical requirements will simplify the gathering of information.
20. In discussions with commercial representatives, District employees should be reminded that only the Purchasing Department has the authority to commit the expenditures of funds for materials. Information with regard to prices paid for specific materials shall be furnished by the Purchasing Department.
21. Whenever recycled products of equal fitness and quality are available at no more than the cost of non-recycled products, the District shall purchase recycled products. The District also may give preference to the suppliers of recycled products. (Public Contract Code 12168,12210)

Business and Non-Instructional Operations

BIDS

The District shall purchase equipment, supplies and services using competitive bidding when required by law and in accordance with statutory requirements for bidding and bidding procedures. In those circumstances where the law does not require competitive bidding, the Governing Board may request that a contract be competitively bid if the Board determines that it is in the best interest of the District to do so.

When the Board has determined that it is in the best interest of the District, the Board may piggyback onto the contract of another public agency or corporation to lease or purchase equipment or supplies to the extent authorized by law.

To ensure that good value is received for funds expended, specifications shall be carefully designed and shall describe in detail the quality, delivery and service required.

To assist the District in determining whether bidders are responsible, the Board may require prequalification procedures as allowed by law and specified in administrative regulation.

Business and Non-Instructional Operations

BIDS

Advertised Bids

The District shall seek competitive bids through advertisement for contracts involving an expenditure of \$15,000 or more for a public project. (Public Contract Code 20111)

“Public project” includes construction, reconstruction, erection, alteration, renovation, improvement, painting, repainting, demolition and repair work involving a District owned, leased or operated facility. (Public Contract Code 22002)

The amount by which contracts shall be competitively bid shall escalate automatically based upon the annual adjustment by the Superintendent of Public Instruction.

Competitive bids shall be sought through advertisement for contracts exceeding \$58,900 for the following: (Public Contract Code 20111; Government Code 53060)

1. The purchase of equipment, material or supplies to be furnished, sold or leased to the District
2. Services, not including construction services, or special services and advice such as accounting, financial, legal or administrative matters
3. Repairs, including maintenance that is not a public project

“Maintenance” means routine, recurring and usual work for preserving, protecting and keeping a District facility operating in a safe, efficient and continually usable condition for intended purpose for which it was designed, improved, constructed, altered or repaired. “Maintenance” includes, but is not limited to: carpentry, electrical, plumbing, glazing and other craft work designed to preserve the facility as well as repairs, cleaning and other operations on machinery and other permanently attached equipment. This definition does not include, among other types of work, janitorial or custodial services and protection provided by security forces, nor does it include painting, repainting or decorating other than touchup. (Public Contract Code 20115)

Unless otherwise authorized by law, contracts shall be let to the lowest responsible bidder who shall give such security as the Governing Board requires, or else all bids shall be rejected. (Public Contract Code 20111)

When letting a contract for the procurement and/or maintenance of electronic data processing systems and supporting software, the Board may contract with any one of the three lowest responsible bidders. (Public Contract Code 20118.1)

Business and Non-Instructional Operations

BIDS- Continued

The Board shall secure bids pursuant to Public Contract Code 20111 and 20112 for any transportation service expenditure of more than \$10,000 when contemplating that such a contract may be made with a person or corporation other than a common carrier, municipally owned transit system or a parent/guardian of students who are to be transported. The Board may let this contract to other than the lowest bidder. (Education Code 39802)

No work, project, service or purchase shall be split or separated into smaller work orders or projects for the purpose of evading the legal requirements of Public Contract Code 20111-20118.4 for contracting after competitive bidding. (Public Contract Code 20116)

Instructions and Procedures for Advertised Bids

The Superintendent or designee shall call for bids by advertising in a local newspaper or general circulation published in the District, or if no such paper exists, then some newspaper of general circulation, circulated in the county at least once a week for two weeks. The notice shall state the work to be done or materials or supplies to be furnished and the time and place where bids will be opened. (Public Contract Code 20112)

The notice shall contain the time, date and location of any mandatory prebid conference, site visit or meeting. The notice shall also detail when and where project documents, including final plan and specifications, are available. Any such mandatory visit or meeting shall not occur within a minimum of five calendar days of the publication of the initial notice. (Public Contract Code 6610)

Bid instructions and specifications shall include the following requirements and information:

1. All bidders, including bidders for printing contracts, shall specify the minimum, if not exact, percentage of recycled product in the paper products offered, and both the postconsumer and secondary waste content. (Public Contract Code 12169, 12213)
2. All bids for construction work shall be presented under sealed cover and shall be accompanied by one of the following forms of bidder's security: (Public Contract Code 20107, 20111)
 - a. Cash
 - b. A cashier's check made payable to the District
 - c. A certified check made payable to the District
 - d. A bidder's bond executed by an admitted surety insurer and made payable to the District.

Business and Non-instructional Operations**BIDS- Continued**

The security of unsuccessful bidders shall be returned in a reasonable period of time, in no event any later than 60 days after the bid is awarded. (Public Contract code 20111)

3. Bids shall not be accepted after the advertised bid opening time, regardless of whether the bids are actually opened at that time. (Public Contract Code 20112)
4. When two or more identical lowest or highest bids are received, the Board may determine by lot which bid shall be accepted. (Public Contract Code 20117)
5. If the District requires that the bid include prices for items that may be added to or deducted from the scope of work in the contract, depending on the availability of funds, the bid solicitation shall specify which one of the following methods will be used to determine the lowest bid. In the absence of such a specification, only the method provided in item #a below, will be used: (Public Contract Code 20103.8)
 - a. The lowest bid shall be the lowest bid price on the base contract without consideration of the prices on the additive or deductive items.
 - b. The lowest bid shall be the lowest total of the bid prices on the base contract and those additive or deductive items that were specifically identified in the bid solicitation as being used for the purpose of determining the lowest bid price.
 - c. The lowest bid shall be the lowest total of the bid prices on the base contract and those additive or deductive items taken in order from a specifically identified list of those items, depending on available funds as identified in the solicitation.
 - d. The lowest bid shall be determined in a manner that prevents any information that would identify any of the bidders from being revealed to the public entity before the ranking of all bidders from lowest to highest has been determined.
6. Any subsequent change or alteration of a contract shall be governed by the provisions of Public Contract Code 20118.4. Change Orders that total in value less than specified in Public Contract Code 20118.4, shall be brought to the Board on a lump sum basis at the time of contract completion.
7. After being opened, all submitted bids become public records pursuant to Government Code 6252 and shall be made available for review pursuant to law, Board Policy, and administrative regulation.

Business and Non-instructional Operations

BIDS- Continued

Bids not Required

Upon a determination that it is in the best interest of the District, the Board may authorize the purchase, lease or contract for technology equipment, purchase materials, supplies, equipment, automotive vehicles, tractors and other personal property through a public corporation or agency ("piggyback") without advertising for bids. (Public Contract Code 20118)

Supplementary textbooks, library book, educational films, audiovisual materials, test materials, workbooks, instructional computer software packages, or periodicals may be purchased in any amount without taking estimate or advertising for bids. (Public Contract Code 20118.3)

Perishable commodities such as foodstuffs, may be purchased through bid or on the open market, depending on District preference. (Education Code 38083)

In an emergency when any repairs, alterations, work or improvement to any school facility is necessary to permit the continuance of existing school classes, or to avoid danger to life or property, the Board, by unanimous vote and with the approval of the County Superintendent of Schools, may contract for labor and materials or supplies without advertising for or inviting bids. (Public Contract Code 20113)

Bids shall also not be required for day labor under circumstances specified in law. Day labor shall include the use of maintenance personnel employed on a permanent or temporary basis. (Public Contract Code 20114)

Whenever the total number of hours on the job does not exceed 350 hours, day labor may be used to erect new buildings. Whenever the total number of hours on the job does not exceed 750 hours or when the cost of material does not exceed \$21,000, day labor may be used for the following purposes: (Public Contract Code 20114)

1. School building repairs, alterations, additions
2. Painting, repainting or decorating of school buildings
3. Repair or building of apparatus or equipment
4. Improvements on school grounds
5. Maintenance work as defined above

Sole Sourcing

Specifications for contracts for construction, alteration or repair of school facilities may not limit bidding to any one product or supplier. Specifications designating a particular brand name shall list at least two brands of comparable quality or utility and follow the description with the words "or equal." (Public Contract Code 3400)

BIDS- Continued

Specifications for contracts may designate a product by brand or trade name (sole sourcing) when one or more of the following conditions apply: (Public Contract Code 3400)

1. The product is designated to match others in use on a particular public improvement that has been completed or is in the course of completion
2. One product has a unique application required to be used in the public interest
3. Only one brand or trade name is known
4. Upon resolution of the Board, the Board makes a finding that the item sought is the subject of a field test to determine its suitability for future use

Prequalification Procedure

For any contract for which bids are legally required, the Board may require that each prospective bidder complete and submit a standardized questionnaire and financial statement. For this purpose, the Superintendent or designee shall supply a form which requires a complete statement of the bidder's financial ability and experience in performing public works. Prospective bidders shall submit the questionnaire and financial statement at least five days before the date fixed for public opening of sealed bids. The information shall be verified under oath in the manner in which civil law pleadings are verified. The questionnaires and financial statements shall not be public records and shall not be open to public inspection. (Public Contract Code 20111.5)

The Superintendent or designee shall establish a uniform system for rating bidders on the basis of completed questionnaires and financial statements in order to determine the size of contracts on which each bidder is qualified to bid. Bidders must be deemed prequalified by the District at least one day before the fixed bid-opening date. (Public Contract Code 20111.5)

The Superintendent or designee shall furnish each qualified bidder with a standardized proposal form. Bids not presented on the standard form shall be disregarded. (Public Contract Code 20111.5)

The District may establish a procedure for prequalifying bidders on a quarterly basis and may authorize that prequalification be considered valid for up to one calendar year following the date of the initial prequalification. (Public Contract Code 20111.5)

Protests by Bidders

A bidder may protest a bid award if he/she believes that the award was inconsistent with Board policy or the bid's specifications or was not in compliance with law.

A protest must be filed in writing with the Superintendent or designee within five working days after receipt of notification of the contract award. The bidder shall submit all documents

Business and Non-instructional Operations

BIDS- Continued

supporting or justifying the protest. A bidder's failure to timely file a protest shall constitute a waiver of his/her rights to protest the award of the contract.

The Superintendent or designee shall review the documents submitted with the bidder's claims and render a decision in writing within 30 days. The Superintendent or designee also may convene a meeting with the bidder in order to attempt to resolve the problem.

The bidder may appeal the Superintendent or designee's decision to the Board. The Superintendent or designee shall provide reasonable notice to the bidder of the time for Board consideration of the contract award. The Board's decision shall be final.

PART 2 - PURCHASING PROCESS AND PROCEDURES

1.00 REQUISITIONS

A Purchase Requisition is an electronic or paper submission by an Internal Customer to the Purchasing Agent. The purpose of the requisition is to authorize the Purchasing Agent to purchase goods or services on behalf of the requestor and charge the requestor's budget.

Requisitions for materials, rentals or services should be carefully prepared. The originating/user department must prepare and submit a requisition for the issuance of a purchase order. It must be approved by the department head or designee. Requisitions must include the name and department making the request, account coding, and delivery address, and date of requisition. List the equipment, supplies and/or services to be purchased providing a complete description of all items. When contracting for a service or travel, indicate a detailed description for each order (i.e. maintenance, consultant, and registration fees, etc.).

The user department should solicit at least three (3) quotes for items between \$2,500 and up to \$15,000. Quotes may be obtained by telephone and/or in writing from the vendor quoting prices. Copies of written quotes should be obtained for goods or services items between \$15,000 and \$69,000. All purchases between \$2,501 and \$69,000 require approval by the Purchasing Director

The user department shall summarize all quotes on the bid recapitulation (bid recap) sheet and attach it to the purchase requisition. The buyer/solicitor of bids must sign the recap sheet.

Requisitions for goods and services over \$69,000, requires formal bidding. Once bids are received, an evaluation and selection process is necessary to select a vendor for contract award.

101: GUIDELINES FOR OBTAINING PRICES

Generally, multiple prices must be obtained each time a purchase is made. Methods should be used that maximize the possibility of the District's obtaining the desired goods at the lowest possible price. Splitting purchases to reduce the procedural requirements for obtaining prices is strictly prohibited. Procurement transactions and rules that govern how they are managed are based upon the aggregate dollar amount, the type of purchase and the Public Contract Code. The guidelines are as follows:

102: Supplies & Equipment

<u>Dollar Limits</u>	<u>Minimum Requirements</u>
\$2,500-\$14,999	3 quotes (verbal, on-line, email)
\$15,000-68,999	3 written quotes
\$69,000 +	Formal Competitive Bid as required by California Public Contract Code

103: Guidelines for California Uniform Public Cost Accounting (CUPCCAA) Bid

- Limits:**
- 1) **Dollar Limits:** Under \$25,000
Requirements: 3 quotations, at least 2 written
 - 2) **Dollar Limits:** Over \$30,000 but Less Than \$125,000
Requirements: Informal Bid Process. Requires notice to construction trade journals. Notice is required to be posted not less than ten days before bids are open and contract award. Must be Board approved.
 - 3) **Dollar Limits:** Over \$125,000
Requirements: Formal Bid Process. Requires notice to newspapers at least 14 days prior to the bid opening and a notice to appropriate construction trade journals at least 30 days prior to the bid opening All quotes are obtained by the requisitioning department and is subject to review and approval of administration and Business services. Supporting documentation and price quotations are maintained with the requisitioning department.

2.00 PURCHASING DOCUMENTS

2.01 Purchase Order

A purchase order is the official notification to the vendor of the District's intention to make a purchase. It is a standard form or format bearing standard terms and conditions that protect the district's interest. It is the only written contract for about eighty percent (80%) of orders for goods and services

A purchase order may not be issued until all the required selection procedures are completed. An informal bid-recapitulation sheet must be attached to all requisitions between \$2,500 and up to \$69,000 (or as adjusted annually by Price Deflation Index). A copy of the Board's authorization must be attached to all purchase orders of \$69,000 or more. The purchase order must include a description of the goods or services to be purchased. Any addendum to a purchase order must include all payments made to date on that purchase order.

202: Change Orders

A written change to a purchase order or an adjustment to an original purchasing order may be requested by the user department for the following reasons:

- to change, increase, decrease or cancel a line item (s),
- to change, increase, decrease or cancel the quantity of the items
- to change, or cancel the description of a product or service or the scope of work
- to change, increase, decrease or cancel the unit price of the order.
- To change a vendor name or address
- To change the deliver to or ship to address or the rate of delivery.
- To modify any terms or conditions associated with the purchase order

Changes to an order may not be made unless they are coordinated with the department head or site manager. The Purchasing department requires a change order request form approved and signed by the department head or site manager.

The purchasing department will not process a change order to change an account or budget code. No change order requests are processed once an order has been received and fully paid. The purchasing department will not process a change order for completed purchase orders.

203: Small Routine orders

District Cal Card/Visa Card: The District uses various methods to accomplish the purchase of goods. Methods such as petty cash, purchase orders, and blanket purchase orders have proven to be costly and purchase orders may not be accepted by all merchants. The Purchasing Department makes “procurement

cards” available to site managers, to facilitate the direct “low-cost” (less than \$500.00 per day and \$2,500 per month).

The District **Cal Card/Visa Card** should be used as the **first option** to obtain non-warehouse stock supplies, and services not exceeding the single purchase limit. Purchase of equipment valued more than \$500.00 is strictly prohibited.

Open Market: Most commonly used for capital equipment, materials and supplies. A purchase requisition is prepared by the using department and entered into the IFAS system. The requisition shall include a description of the item or items, fixed quantities, and single or multiple delivery dates. The requisition is ultimately forwarded to the purchasing department for approval.

- Quotations or bids are solicited
- The purchase order is issued to the lowest and most responsible bidder
- The products or service are delivered and accepted
- Payment is authorized, and a check or warrant is issued to the seller

204: Annual, Standing/Open Blanket, Open-End or Requirement Purchase Orders.

Blanket orders are typically used to purchase repetitive or routine low value products and supplies. The order usually includes similar or related products. These orders cannot be used to purchase fixed assets or capital equipment due to accounting, insurance, and inventory requirements. The threshold limit for open purchase orders is up to ten thousand dollars (\$10,000) not to exceed one fiscal year with the exception of a formally bid contract.

In order to minimize delay and encourage effective planning, prices for regularly purchased goods should be determined in advance of the purchase. In such cases, the site or the department must make an approximation of the type and the quantity of goods during the specified time (not to exceed one year). **It is important to provide detailed descriptions of the products the end user intends to buy.** Once the low bidder is determined, or a schedule of prices are negotiated, and if necessary approvals are obtained, the purchasing department issues a purchase order to a specific vendor for the total amount of the estimated purchases. This allows the end user to buy unspecified quantities of items during the fiscal year.

3.00 SPECIFICATIONS

301: Specifications

A specification is a description of the physical or functional characteristics of the supplies or equipment to be purchased. It may include requirements for inspection and testing.

Developing and /or Reviewing Specifications

If specifications do not exist, they must be developed. If they already exist, they should be reviewed prior to use to make sure that they are complete and current. Input may come from both internal and external source.

302: Types of Specifications

BRAND NAME SPECIFICATIONS

Brand Name specifications describe the goods by identifying a specific product which would be acceptable, and requesting a price on that item or its equivalent. For example, calculator specifications might request prices on Texas Instruments Model TI-1795, or its equivalent. One reason for manufacturers to brand a product is to sell that product at a relatively stable price which is normally higher than that of non-branded products of equal quality.

When brand name specifications are used in formal bids, a bid on an equivalent product must include specifications demonstrating that the bid goods are substantially equivalent. These specifications should include at least three (3) product manufacturers (for example, Compaq, Dell and IBM laptop computers). The conditions of the purchase include payment terms, insurance requirements, delivery schedule, shipping terms, prevailing wage requirements, bid/bond requirements.

PERFORMANCE SPECIFICATIONS

Performance-based specifications describe the goods needed by detailing the performance required of the item. They define what the product or service must do. For example, specifications for a calculator would list all the mathematical functions that the calculator must perform. Performance specifications are recommended primarily for supplies and services. They are also used to define the acceptability of capital equipment. They are not very practical for construction requirements.

DESIGN SPECIFICATIONS

Design Specifications provide a complete description of what the product or service must look like and often defines the process by which a product will be made, the materials used, and step by step instructions to carry out a service. This is the most restrictive type of specification. It is mostly used for buildings, highway, bridges and other public works projects.

Specifications-continued

303: ENGINEERING DRAWINGS

Engineering Drawings are description by blueprints or drawings are recommended when precise shapes, dimensions, close tolerances and a high degree of manufacturing perfection are needed. Drawings may be used alone, but normally are included as part of other written purchase specifications.

400 OPEN MARKET ORDER PROCESS

- 401: **Purchases of less than \$2,500**--Competitive bidding is not required. Such items may be purchased from any vendor offering the required goods or services at a reasonable price.
- 402: **Purchase of \$2,500 but less than \$14,999.99**—Staff shall obtain three price quotations from vendors who stock the goods. Price quotations may be obtained over the telephone, in person, e-mail or in writing. The quotations will be summarized on a bid recapitulation sheet and attached to the requisition. If three prices are not obtained, an explanation must be provided on the bid recapitulation sheet.
- 403: **Purchases between \$15,000 and \$69,000.00 (or as adjusted annually by Price Deflation Index)** - Informal competitive bidding is required. Informal competitive bidding requires three written bid quotations specifically describing the goods and their prices. The bid quotation may be obtained either on a bid-quotation form or on the vendor's letterhead stationery. In either case, the bid must be written in ink and signed by an authorized representative of the vendor.

If fewer than three bids are received within ten working days of the solicitation, staff may proceed with the purchasing process and determine if the prices submitted are reasonable. If three prices are not obtained, an explanation must be provided on the bid-recapitulation sheet.

Types of informal bid contracts:

- Non-Construction Services under \$69,000
- Equipment, Materials and Supplies under \$69,000
- Public Construction Contracts under 15,000
- Alternate Construction bidding procedures of the Uniform Public Procedures Act (UPCCAA) over \$30,000 but less than \$125,000

500 FORMAL BID CONTRACT PROCESS

501: Purchases over \$69,000 (or as adjusted annually by Price Deflation Index)

Formal bidding is required. Formal bidding requires that the user department write specifications describing the needed goods or services. The requestor will supply the Purchasing Office detailed specifications and an approved purchase requisition. The specifications are reviewed to ensure that the specifications are complete and in the proper form. Specifications should be prepared as objectively as possible, so that the advantage provided to any particular vendor is based on the appropriateness of that vendor's product. The contract must be awarded to the lowest responsible bidder, or the District must reject all bids. (Public Contract Code Section 20651).

For **formal bids**, an advertisement announcing the goods sought, the availability of bid specifications, and the bid opening date, time, and place must be published once a week for two weeks. Bid announcements will also be placed on the District web site located at www.mdusd.k12.ca.us.

Bidders will be notified by mail, fax, or email and if possible by using an on-line automation system to distribute bid notifications to all interested businesses.

Specifications shall be available from the Purchasing Office, Monday through Friday from 9:00 a.m. to 3:00 p.m. during the time between the placement of the advertisement and the bid opening. They may also be available through an automated vendor notification system if available. The deadline for receipt of bids will be a minimum of ten working days after the advertisement appears. Bids are opened at the Administration and Business Department.

If a change in the bid specifications is required after the bid specifications are distributed, but before the bids are due, then all bidders must be sent an addendum stating the change. All bids must be sealed by the bidder and must be opened by Purchasing Department. All bids are opened in public and the contents of the bid read aloud on the date and time specified in the bid announcement. Any bid arriving after this time is returned unopened to the vendor. For the period of time stated in the bid specifications, prices obtained through formal bidding may be used for the purposes of awarding a contract.

A bid security of ten percent (10%) of the bid is required on all purchases of goods and services exceeding \$69,000 (or as adjusted annually by Price Deflation Index). The bid security may be a certified check or a cashier's check in the required amount, or a bid bond. Bid deposits by unsuccessful bidders are returned approximately 20 days after the bid.

600 PUBLIC REVIEW OF BIDS

Formal Sealed Bids and Sealed Proposals are considered public information and as such, are open for review pursuant to the following guidelines:

Process:

Formal sealed bids are opened publicly and the name of the bidder, amount of the bid and other related information deemed relevant by the buyer is announced and recorded. This record shall be open to public inspection. The actual bid documents and related materials shall not be open to public review until after contract award.

Formal sealed proposals can be opened publicly with only the names of the proposers announced and recorded. All other information including pricing, shall not be open to public review until after contract award.

Propriety Information:

Certain information relative to the procurement process can be deemed proprietary in nature and not open for public review. This proprietary information must be clearly marked as such by the bidder/proposer and if possible, submitted in a separate envelope. This information is considered proprietary and not open to public review, unless deemed otherwise by the Vice President of Administration and Business Services.

Review of Bids or Proposals

Request for information or to review bid or proposal documents must be made in writing to the Director for Purchasing and Warehouse or designee. An appointment to review the bid file shall be made with the office of Administration and Business Services at a mutually agreeable and reasonable time. The reviewer (s) shall not take possession of any of the bid documents or any other relevant documents contained in the bid file. All proprietary documentation shall be removed from the file prior to the review. All reviewers must sign a reviewer's log sheet that becomes part of the original bid file.

700 EXCEPTIONS TO FORMAL BIDDING

701: Energy Efficiency/Energy Service Contract only requires contract negotiation. No formal bidding is required. However, prior to entering into an energy service contract, the District has the option to issue an RFP to qualified vendors.

702: Purchasing materials, equipment, information technology, services or supplies pursuant to the State of California Department of General Services Multiple Award Schedule (CMAS) Contract. The District must agree to the terms and conditions of the CMAS contract. When using this procurement method, the vendor must supply Purchasing Department with their CMAS contract. The CMAS contract number must appear on the purchase order.

703: Voice, Data, Video, and Internet Services pursuant to CALNET Contract only requires contract negotiation. No formal bidding is required. Calnet can be used by the District to procure telecommunications services and equipment. More information about Calnet is available @ ebiznet.sbc.com/calnetinfo.

704: Purchases for supplementary textbooks, library books, educational films, audiovisual materials, test materials, workbooks, instructional computer software packages, or periodicals may be purchased without estimates or advertising for bids.

705: Perishable commodities such as foodstuffs, may be purchased through bid or on the open market, depending on the District preference.

706: Piggyback Contracts for Equipment, Materials, Supplies, Vehicles, or Personal Property. If determined by the Board to be in the best interest of the District, to lease data-processing equipment, purchase materials, supplies, automotive vehicles, tractors, and other personal property for the District from any public corporation or agency, including any county, city, town, or district.

707: In an Emergency, An emergency is defined as “a sudden, unexpected occurrence that poses a clear and imminent danger, requiring immediate action to prevent or mitigate the loss or impairment of life, health, property, or essential public services” (Pub.CC 1102).

“In cases of emergency when repair or replacements are necessary, the governing body may proceed at once to replace or repair any public facility without adopting plans, specifications, strain sheet, or working details, or giving notice for bids to let contracts. The work may be done by labor under direction of the governing body, by contractor, or by a combination of the two.”

EXCEPTIONS TO FORMAL BIDDING continued-

The District must comply with the provisions of Public contract Code section 22050 which include, among other provisions, that the Board make a finding regarding the need to pursue the work without bidding, that it approve the emergency determination by a 4/5 vote prior to any work being performed and that it review the emergency action at each regularly scheduled board meeting and again vote to determine if there is a need to continue the action.

708: Contract Overruns, Change Orders or Modifications - Existing contracts for materials and work which have been awarded to the lowest responsible bidder after due advertisement and competitive bidding, but due to unforeseen revisions, not the fault of the contractor, need be revised if the additional expenditures do not exceed ten percent (10%) of the original contract price.

If the total of all expenditures exceed ten percent (10%) of the original contract price, the District must comply with bidding requirements as set forth in Public contract Code 20111.

709: SOLE SOURCE PURCHASES—the purchase of an item or service that is exempt from competitive bidding because it is available from only one source. Sole Sourcing is available in the following instances:

1. When brand or trade name, article, thing, or product or proprietary service is the only item which will properly meet the needs of the District.
2. When the item available is unique, or is designated to match others or is used in or to furnish to a particular installation, facility, or location. A detailed letter of justification is required in describing the goods required, including the name of the product, model numbers and any other relevant information.
3. If a particular item is available from only one source, a letter stating that the vendor is the sole source of such goods or services must be obtained and attached to the requisition. The letter must be specific in describing the goods required, including the name of the product, model numbers and any other relevant information justifying the sole source purchase. Further, the letter must specify, in particularity, all of the reasons justifying the circumstances and details regarding the basis and nature of why and how the product is sole source and why such product, or a similar product cannot be purchased elsewhere.

710: Professional Services Contracts - for the services of individuals possessing a high degree of professional skill where the ability or fitness of the individual plays an important part are exempt from competitive bidding. These categories of services include:

EXCEPTIONS TO FORMAL BIDDING continued-

- Management Consultants,
- Educational Consulting
- Technical Support
- Grant Writing
- Development
- Speaking/Facilitate/Presenting
- Editing, Writing, Teaching
- Instruction Services
- Student Activities

The District may negotiate a contract without formally bidding. Consultant services for more than \$25,000 require Board approval.

The advantages to the District of selecting a particular consultant on a noncompetitive basis outweigh the likely benefits of selecting one by competitive procedures.

A Request for Proposals (RFP) or a Request for Qualifications (RFQ) is prepared by the user department, reviewed by the Purchasing Office and distributed to qualified persons or firms. A Request for Proposal provides potential consultants with a detailed statement of the professional services required, a time schedule, instructions for submitting proposals, and the method and criteria for proposal evaluation, request for general information about the vendor, invoicing procedure, preparation of proposal, procedure for contract award, summary section and a signature page. The Request for Qualifications is used when the services are not limited to a single project, but are ongoing.

The use of competitive procedures does not obligate the District to choose the least-expensive proposal, or to otherwise select a proposal on the basis of any single factor. The District shall retain full discretion to determine which consultant can best serve the needs and goals of the District. Consultants submitting proposals waive any right to bring legal proceedings challenging the Board's decision in these matters.

A record of the selection process, including a copy of the Request for Proposals or Request for Qualifications, the distribution list, the names of consultants submitting proposals, a description of the evaluation process, and the reasons for the selection, must be retained by Purchasing Department.

The requirement for competitive selection for professional services may be waived, other than architectural, engineering, and/or land surveying, if any of the following occurs:

1. The cost or delay associated with the procedure is not in the best interest of the District.

EXCEPTIONS TO FORMAL BIDDING - continued

2. It is unlikely that multiple proposals would be submitted in response to a Request for Proposals or a Request for Qualifications.
3. A consultant's experience or skill in dealing with the matter under consideration makes it appropriate to engage the consultant without recourse to competitive procedures.

800 PUBLIC PROJECTS

801 “Public Projects” are defined as “construction, reconstruction, erection, alteration, renovation, improvement, demolition, painting or repainting and repair work involving any publicly owned, leased, or operated facility.” (Public Contract Code section 22002).

802 The District uses the alternative bidding procedures of the **Uniform Public Construction Cost Accounting Act** (Pub.Contract Code, 22000, the UPCCAA”). The UPCCAA permits the District to use its own forces to perform more work than generally permitted under the Public Contract Code and to utilize an “informal” bidding procedure for projects up to \$125,000 (Public Contract Code 22032). In addition, the emergency work provisions are different from those generally available to school districts under Public contract code section 20113.

Maintenance, Operations & Facilities supervises all construction contracts. Board approval is required on all construction contracts over \$30,000.00. The contract and purchase order must be awarded to the lowest responsible bidder.

The UPCCAA establishes bidding procedures for three types of projects, which we refer to as small, medium, and large projects.

Small Projects less than \$30,000

These projects require three (3) quotes written and signed by an authorized representative of the vendor.

Medium Projects over \$30,000 but less than \$125,000

For medium projects, at least 10 days prior to the bid date, agencies must either mail notices to all contractors on the appropriate bidders list or publish a notice in the designated trade journals. Projects over \$30,000 requires Board approval.

Large Projects over \$125,000

Expenditures of \$125,000 or more require formal bids obtained by Purchasing Department staff using specifications prepared by Maintenance, Operations & Facilities staff or the Site/Department manager. All bids shall be presented under sealed cover and shall be accompanied by one of the following forms of security:

1. A cashier’s check made payable to the Mount Diablo Unified District.
2. A certified check made payable to the Mount Diablo Unified District.
3. A bidder’s bond executed by an admitted surety insurer made payable to the Mount Diablo Unified District.
4. Securities of unsuccessful bidders will be returned in a reasonable time period, but not longer than sixty (60) days from the time the contract award has been made.

PUBLIC WORKS PROJECTS continued-

803: Bid Number Assignments

Bid numbers are assigned by the Purchasing Department when bid package information is received from Maintenance and Operations. The bid package information must include:

- Scope of Work
- Contractors License Requirements
- Liquidated Damages Per Calendar Day Per Site
- Names of the Project Manager (s)
- Advertising Dates
- Mandatory Walk Date, Time and Location
- Bid Opening Date and Time
- Bid package Cost
- Engineer's Estimate
- Funding Source
- Sites Involved With the Project

Contract numbers for public projects are assigned upon approval from the Board of Education for contract award.

804 Construction Related Services

Some services related to construction work are not “special services” and require a “fair” competitive selection process (Gov. Code 4529.12). A request for proposal (RFP) process is used to comply with this requirement. The scope of work is generally determined by the RFP and can include more than one project. An RFQ is a request for Qualifications. An RFQ is sent out and the District reviews the responses. Those respondents that meet the Districts minimum qualifications are then sent an RFP. An RFQ/RFP can also be done in one step where the District requests both the respondent's qualifications and its proposal with one request.

Services Related to Construction include:

- Architecture
- Landscape Architecture
- Engineering
- Environmental Services
- Land Surveying
- Construction Management

PUBLIC WORKS PROJECTS continued-

805 Construction Services Selection Process

A) Public Notice

In the procurement of **architectural, engineering or land surveying services**, the district which utilizes architectural, engineering or land surveying services shall permit firms or land surveying services shall permit firms engaged in the lawful practice of their professions to annually file a statement of qualifications and performance data with the district. Whenever a project requiring architectural, engineering or land surveying services is proposed for the district, the district shall, unless it has a satisfactory relationship for services with one or more firms:

- Mail a notice requesting a statement of interest in the specific project to all firms who have a current statement of qualifications and performance data on file with the district; or
- Place an advertisement in a secular English language daily newspaper of general circulation throughout the district, requesting a statement of interest in the specific project and further requesting statements of qualifications and performance data from those firms which do not have such a statement on file with the district. Such advertisement shall state the day, hour and place the statement of interest and the statements of qualifications and performance data shall be due.

B) Selection procedure

The district shall, unless it has a satisfactory relationship for services with one or more firms, evaluate the firms submitting letters of interest, taking into account qualifications, ability of professional personnel, past record and experience, performance data on file, willingness to meet time and budget requirements, location, workload of the firm and such other factors as the district may determine in writing are applicable. The district may conduct discussions with and require public presentations by firms deemed to be the most qualified regarding their qualifications, approach to the project and ability to furnish the required services.

On the basis of evaluations, discussions and presentations, the district shall, unless it has a satisfactory relationship for services with one or more firms, select no less than 3 firms which it determines to be the most qualified to

Construction Services Selection Process continued-

provide services for the project and rank them in order of qualifications to provide services regarding the specific project. The district shall then contact the firm ranked most preferred and attempt to negotiate a contract at a fair and reasonable compensation, taking into account the estimated value, scope, complexity, and professional nature of the services to be rendered. If fewer than three (3) firms submit letters of interest and the district determines that one or both of those firms are so qualified, the district may proceed to negotiate a contract pursuant to this Section.

C) Contract negotiation

The district shall prepare a written description of the scope of the proposed services to be used as a basis for negotiations and shall negotiate a contract with the highest qualified firm at compensation that the district determines in writing to be fair and reasonable. In making this decision the district shall take into account the estimated value, scope, complexity and professional nature of the services to be rendered.

If the district is unable to negotiate a satisfactory contract with the firm which is most preferred, the negotiations with that firm shall be terminated. The district shall then begin negotiations with the firm which is next preferred. This process is continued with the next two candidates.

If the district is unable to negotiate a satisfactory contract with any of the selected firms, the district shall re-evaluate the architectural, engineering or land surveying services requested, including the estimated value, scope, and complexity and fee requirements. The district shall then compile a second list of not less than three qualified firms and proceed in accordance with the provisions mentioned above.

Splitting or separating orders or projects into smaller work orders or projects for evading competitive bidding is strictly prohibited.

900 EVALUATION AND LOAN OF EQUIPMENT

All Equipment brought in for loan or evaluation purposes shall have prior authorization by the requestor, division head, and the Purchasing department.

This prior approval shall be noted by signatures in the appropriate lines, on a requisition form clearly marked "FOR EVALUATION PURPOSES ONLY."

In addition, the **Requisition Shall Also State that:**

"All cost associated with the delivery, installation, evaluation and return of the equipment shall be borne by the vendor. All risk for damage and/or loss of the equipment shall also remain with the vendor."

This requisition shall be used to issue a Purchase Order that states the same terms as the requisition. This will be provided to the vendor prior to delivery of the equipment.

Loan or evaluation of equipment should in no manner constitute a preference for that equipment or imply that it will result in an order for the purchase. Purchasing has the responsibility to subject the purchase of all equipment to a competitive process as well as to negotiate all terms and conditions, price, warranty and service to the vendor.

1000 PROCUREMENT OF USED EQUIPMENT

Used equipment may be purchased if it meets the need of the District as required by the user. The purchase of used equipment must be in the best interest of the District and result in a cost savings when compared to the purchase of new or refurbished equipment. A statement containing the following information must accompany the requisition.

1. The requestor has inspected the equipment
2. The equipment is in proper working order
3. The equipment meets the needs of the user
4. It is in the Districts best interest to procure the used equipment
5. A determination as to price reasonableness

The statement must be reviewed by the Purchasing Director.

Purchases of used equipment in excess of \$69,000 must adhere to the formal bid process.

1100 WAREHOUSE RECEIVING PROCEDURES

1101: Receiving Sign-Off Sheet

The receiving person is responsible for completing the Receiving Sign-Off Sheet, for all material received on a purchase order. The number of pieces, freight carrier and delivery date are indicated at on the top right corner of the form. Once received, the form is signed by the receiver with the current date.

1102: Responsibility for Reporting Shortages or Damage

The receiver will make a copy of the packing list and Receiving Sign-Off Sheet indicating which items are damaged or short and notify the Warehouse. If there is truck damage, a copy must be made of the freight bill (if available).

The Warehouse staff will review the information and pass the information to the warehouse buyer. All shortages, overages and damages are reported to the Buyer by the Warehouse. The information is then passed on to the appropriate vendor for disposition.

For any overages received, the amount must be indicated on the Receiving Sign-off Sheet and the Warehouse Supervisor notified.

1103: Guidelines for Damaged Shipments

Carriers recognize their liability for two types of damage – apparent and concealed. Prompt examination of the shipment by the receiving person is essential to verify the apparent good order of each shipment.

Apparent Damage

Where there is evidence of damage, the package or packages should be opened immediately, permitting a joint examination of the contents by the carrier's representative and the receiving person.

The extent of the damage is to be noted on both the carrier's and consignee's copy of the delivery documents and signed by the receiving person. The receiving person shall report the damage to the Warehouse Supervisor.

In the case of partial damage to a shipment which does not render the material worthless, the shipment should be accepted and the Buyer notified for resolution.

A signature only, without any notation of damage, will normally be considered evidence that the complete shipment was received in apparent good order.

Concealed Damage

Damage discovered after the delivery of the shipment shall be reported to the Warehouse Supervisor immediately. The container and packing material with merchandise shall be held for inspection by the carrier and issuance of an inspection report.

1104: Guidelines for Shortages

There are several types of shortages which could occur in the shipment of material to the District. These include shortages in the number of pieces or packages received loss of contents, and shortages in the contents of the packages.

Shortages in Pieces Received

The number of pieces or packages received in a shipment are to be checked by the receiving person against the number indicated on the delivery document.

In the event of any variance, a notation of that effect is to be placed on both the consignees' copies of the delivery document and signed by the receiving person. The carrier's representative (truck driver) shall be required to note and initial the same documents.

Guidelines for Shortages—continued

Subsequently, once the shipment has been checked in, the receiver must present a copy of the Receiving Sign-off Sheet, the packing list and freight bill (if available).

A signature only, with out any notation of shortage, will normally be considered evidence that the complete shipment was received in apparent good order.

Loss of Contents

When a package indicates possible pilferage of loss of contents, notation of the effect is to be made on the delivery document in a similar manner to “Shortage in Pieces Received.”

Shortage of the Contents of Packages

Packages are to be opened as soon as possible after their delivery, and the contents checked against the packing slip or bill of lading. Any variance is to be reported at once to the Warehouse Leadman.

1105: Return of Material

Arrangements are made between the Buyer and Warehouse Leadman. The Leadman is responsible for notifying the Buyer with a description of the items returned, the number of pieces and the location of the items.

1106: Warehouse Inventory Procedures

1. All receiving and issue of stock will be stopped. Any deliveries for warehouse stock will be isolated and not processed until after the inventory is complete.
2. All warehouse products are printed on count sheets according to warehouse class (A, B and C items).
3. The count sheets are sorted per warehouse class item by location with no quantities shown (this is a blind count).
4. Verification sheets have the quantities printed on the sheet so a determination can be made on which items needed to be recounted.
5. Items to be counted will be placed in a tray that is labeled “Count Sheets.”
6. Each counter will date and initial the count they made and put the completed counts in a separate tray labeled “Completed Counts.”
7. Verification of counts will be done warehouse staff other than those who made the initial count.
8. Further verification counts (counts that disagree after recount) will be verified by the Warehouse Supervisor and/or Warehouse Lead Worker.

Warehouse Inventory Procedures—continued

9. Once the counts have been verified, the correct quantities will be keyed into the financial system.
10. Once a warehouse class has been keyed an exception report will be made.
11. The exception report will be checked against each verification sheet for accuracy. Quantities will be corrected if needed.
12. Once the exception report has been checked the inventory will be posted to the General Ledger according to each warehouse class.

When all items have been posted, normal warehouse operations will begin.

1200 PURCHASING FORMS

Some forms are available from the Purchasing Department or online at www.mdusd.k12.ca.us under Purchasing/Warehouse.

1201 Request for an Emergency Purchase order

When the delay that results from formal or informal bidding could cause damage either to life or to property, the normal procedure for bidding may be waived. To do this, an emergency-purchase form must be completed and signed by a principal or an assistant superintendent prior to authorization. The form must be attached to the requisition. All documentation supporting the emergency request should be attached to the emergency purchasing form.

1202 Purchase Orders

A purchase order is the official notification to the vendor of the District's intention to make a purchase. A purchase order may not be issued until all the required selection procedures are completed. Any informal bid-recapitulation sheet must be attached to all requisitions between \$2,500 and up to \$69,000. A copy of the Board's authorization must be attached to all purchase orders of \$69,000 (or as adjusted annually by Price Deflation Index) or more. The purchase order must include a description of the goods or services to be purchased. Any addendum to a purchase order must include all payments made to date on that purchase order. Once all necessary purchases are listed on a purchase order, Fiscal Services (received in IFAS is the notification) should be notified so that the order can be closed out.

1203 Change Orders/Addendums

Change Orders or Addendum's are used to indicate any changes that may occur after the issuance and approval of the original purchase order. They should include the original purchase order number, vendor's name and address, originating department, service or delivery to address, a complete explanation of the circumstances which necessitates the change, the dollar amount of the original purchase order, the dollar amount of the new change and any previous addendum and proper budget coding. The Change Order or Addendum follows the same approval and encumbrance process as the original purchase order.



Form 1201
Mount Diablo Unified School District
Request for Emergency Purchase

This form is to be used only when the delay that results from formal or informal bidding could cause damage either to life or to property.

Requisition order # _____ Site _____

Initiated by _____ Department _____

Site Ext./phone # _____

Vendor Selected _____ Amount _____

Vendor Contact _____ Phone _____

Provide a detailed description to support your request to waive the normal procedure for bidding. Attach supporting documentation to this emergency request including quote from vendor identifying service/commodity and price.

Authorized by Administrator _____ at _____ Site.

Ext.: _____ E-Mail Address: _____

Date _____



MT. DIABLO UNIFIED SCHOOL DISTRICT
 PURCHASING / WAREHOUSE DEPARTMENT
 2326 BISSO LANE
 CONCORD, CALIFORNIA 94520
 FAX: (925) 687-5044 (925) 825-7440

DATE 03/15/05

PURCHASE ORDER NO.

30139

TO RECEIVE PROPER PAYMENT THE ABOVE PO NUMBER MUST APPEAR ON ALL INVOICES, BILLS OF LADING, PACKAGES, CORRESPONDENCE, ETC.

DELIVER TO: MT DIABLO UNIFIED SCHOOL DISTRICT
 SUPPLY WAREHOUSE
 2326 BISSO LANE
 CONCORD, CA 94520

VENDOR: VALLEY OFFICE SUPPLY
 ATTN: MARK ROTNER
 P O BOX 738
 ALAMO, CA 94507-0738

SEND INVOICE TO: MT. DIABLO UNIFIED SCHOOL DISTRICT
 FISCAL SERVICE DEPARTMENT
 1936 CARLOTTA DRIVE
 CONCORD, CALIFORNIA 94519

Req. # 5703B	Vendor # 031030	Ship Via FOB	Department / Site S083016	Requisitioner PAT PERAZZO	
Confirming <input type="checkbox"/> yes <input type="checkbox"/> no	Buyer MONA SMITH	Extension #	Terms of Payment NET 30	Date Required 04/13/05	
ITEM	QUANTITY	UNIT	DESCRIPTION	UNIT PRICE	EXTENDED PRICE
01	144	EACH	#00490611 BINDERS, LETTER SIZE, VIEW WHITE, 3" CAPACITY, WILSON JONES, OXFORD #RV3WE, OD #396-201 (LOC#D-60-B)	2.395	344.88
02	288	DOZ	#00501809 PEN, BALL POINT, FINE, MEDIUM POINT, PAPERMATE (LOC#C-66-C)	0.759	218.59
03	288	DOZ	#00501836 MARKER, ORANGE, WITH FINE TIP, WATER BASE, SCENTED, SANFORD, MR SKETCH #20006 (LOC #C-68-D)	4.369	1,258.27
			WAREHOUSE RECEIVING HOURS: 8:30 A.M. TO 11:30 A.M. AND 12:00 P.M. TO 3:00 P.M.		
			NOTE TO VENDOR: PACKING LIST WITH NUMBER OF CARTONS MUST BE OUTSIDE OF CARTON/BOX.		
				Tax	150.29
				TOTAL	1,972.03

ACCOUNT NO.	AMOUNT
901000000 9320	1,972.03

APPROVAL:

 Purchasing Manager

Purchase Order Terms and Conditions

1. NO SUBSTITUTIONS accepted without approval of the Buyer.
2. Prices must be F.O.B. destination. DO NOT SHIP COLLECT.
3. Mt. Diablo Unified School District (MDUSD) is EXEMPT from payment of FEDERAL EXCISE TAX under Chapter 32.IRS Code. Federal Tax ID #94-1590799. Items are for the exclusive use of MDUSD and not for resale.
4. MAIL invoices in duplicate to: Fiscal Services Department, Accounts Payable Division, 1936 Carlotta Drive, Concord CA 94519. The purchase order number must appear on all packages, invoices and correspondence.
5. The seller assumes all risks in connection with the merchandise ordered until delivery to MDUSD as specified and accepted by MDUSD.
6. Merchandise is subject to inspection and test by MDUSD at the place of destination. If any merchandise is found at any time to be defective or nonconforming, MDUSD, in addition to all other rights, shall have the right, in whole or in part, to reject and return the merchandise at seller's expense and to receive full credit for it, or to require its replacement without additional cost to MDUSD.
7. Provider shall defend, indemnify, and hold harmless MDUSD, its officers, officials, employees, agents, and volunteers from and against all claims, damages, losses, and expenses, herein, caused in whole or in part by any negligent act or omission of the consultant, subcontractor, anyone directly or indirectly employed by any of them or anyone for whose acts any of them may be liable, except where caused by the negligence of MDUSD.
8. MDUSD may terminate this agreement and be relieved of the payment for any consideration if the contractor fails to perform the terms of this contract at the time and in the manner required. In the event of such termination, MDUSD may proceed with the work in any manner deemed proper by MDUSD. The cost to MDUSD shall be deducted from any sum due the contractor under this agreement, and the balance, if any, shall be paid to the contractor upon demand.
9. All materials by purchase order and/or contract must comply with all federal, CAL-OSHA, and local safety rules and regulations. A MSDS is required on items designated by OSHA as hazardous materials
10. The billing terms/cash discount available to the buyer shall begin on the date of acceptance of the merchandise or on the date of receipt of invoice, whichever is later.
11. Every publisher or manufacturer of instructional materials shall comply with Education Code Sections 60060 ET Seq.
12. Items furnished must comply with all applicable laws, regulations and requirements of responsible governmental agencies pertaining to their use in schools.

Additional Terms for Service Contracts

1. Services by Provider: Provider shall perform services in a manner commensurate with the highest professional standards by qualified and experienced personnel.
2. Independent Parties: Provider and its employees are independent contractors and not employees of MDUSD. Provider is responsible for any required payments on behalf of its insurance or other benefits.
3. Permits & License Compliance: Provider shall maintain all appropriate permits, licenses and certificates that may be required under this contract. Provider shall comply with all federal, state, and local law in its performance under this contract.
4. Termination: If provider fails to perform at the time and in the manner required by this contract, MDUSD may terminate the contract by giving written notice to provider and paying the reasonable and proportionate amount for services already provided.
5. Reports: Every document prepared under this contract is the exclusive property of MDUSD. No information prepared under this contract may be made available to any individual or organization without MDUSD's prior approval.
6. Hold Harmless: Provider shall indemnify and hold harmless MDUSD, its officers, employees, agents, and volunteers from and against all claims, damages, losses, and expenses, herein caused in whole or in part by any negligent act or omission of the consultant, subcontractor, anyone directly or indirectly employed by any of them or anyone for whose acts any of them may be liable except where caused by the negligence of MDUSD.
7. Insurance: Provider shall procure and maintain for the duration of the contract insurance against claims for injuries to persons or damages to property which may arise from or in connection with the performance of the work hereunder by the provider, its agents, representatives, or employees.

B. Coverage Required	Limits per Occurrence	Scope-as Broad
General Liability	\$1,000,000.00	As CG001
Automobile Liability	\$1,000,000.00	As ISO-CA001
Worker's Comp/Employers Liability	\$1,000,000.00	As req. by CA

The General Liability and Auto Liability policies are to contain or be endorsed to name MDUSD, its officers, officials, employees, and volunteers as additional insiders respects liability arising out of the activities performed in connection with this contract. The Contractor's coverage shall be primary and shall apply separately to each insured against who claim is made or suit is brought, except with respect to the limits of the insurer's liability. Contractor shall furnish MDUSD

original Certificates of Insurance and endorsements (affecting coverage required by this clause) signed by a person authorized to bind coverage on its behalf. Insurance is to be placed with insurers with a current AM Best rating of not less than A: VII the endorsements are to be received and approved by MDUSD before work commences:

8. Miscellaneous Provisions:

- a. Waiver – MDUSD’s waiver of a breach of term is not deemed a waiver of any subsequent breach of the same term.
- b. Cost of Litigation – If legal action is necessary to enforce this contract, the prevailing party is entitled to receive all costs and expenses including reasonable attorney’s fees and costs of arbitration or litigation.
- c. Entire Contract - This is the entire contract. Any modification must be in writing and signed by all parties.

Special Instructions to Vendor

1. We will not be responsible for payment of invoice if you ship this order to any address other than the “Ship To” address at the right unless the “Ship To” is changed by an official “Purchase Order Change Notice” document issued by the Purchasing Department.
2. Packing slip must accompany each delivery showing purchase order number, catalog number, serial number, description, and MDUSD stock number if applicable.
3. No changes without written authorization from the Purchasing Department.
4. Vendor shall include all applicable warranties.

IFAS

CHANGE ORDER/CANCELLATION FORM

Date Requested: _____

Contact Name: _____ Phone/Ext: _____

School/Site: _____

PO # / PR # _____ Vendor _____
 (Circle One)

Please Circle One: Change Order Cancellation
(If the entire order is to be cancelled, please circle "cancellation" above and only fill out top portion of this form)

For Change Order

PLEASE FILL IN AS ITEM SHOULD READ FOR CHANGE ORDER. (Please circle: add, cancel or change)

Item #	Qty	Description	Unit Price
_____	_____	_____	_____

Add/Cancel/Change	Reason: _____
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_____	_____	_____	_____
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Add/Cancel/Change	Reason: _____
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Provide a complete explanation of the circumstances that necessitates this change or cancel. Identify what is being changed, i.e., item no., price, quantity, description, etc. Attach any required supporting documentation including quote from vendor identifying the changes.

Note to School/Site: Please fax this form to Purchasing at (925) 687-5044.

Purchasing Department use only.

Accounting: _____ School/Dept: _____ Warehouse: _____ Company: _____