



Procurement  
Policies

PAJARO VALLEY UNIFIED  
SCHOOL DISTRICT

# **BOARD POLICIES**

**EXPENDITURES AND PURCHASES**

The Governing Board recognizes its fiduciary responsibility to oversee the prudent expenditure of district funds. In order to best serve district interests, the Superintendent or designee shall develop and maintain effective purchasing procedures that are consistent with sound financial controls and that ensure the district receives maximum value for items purchased. He/she shall ensure that records of expenditures and purchases are maintained in accordance with law.

*(cf. 3000 - Concepts and Roles)*

*(cf. 3100 - Budget)*

*(cf. 3350 - Travel Expenses)*

*(cf. 3400 - Management of District Assets/Accounts)*

*(cf. 3460 - Financial Reports and Accountability)*

*(cf. 9270 - Conflict of Interest)*

**Expending Authority**

The Superintendent or designee may purchase supplies, materials, apparatus, equipment, and services up to the amounts specified in Public Contract Code 20111, beyond which a competitive bidding process is required. The Board shall not recognize obligations incurred contrary to Board policy and administrative regulations.

*(cf. 3311 - Bids)*

*(cf. 3312 - Contracts)*

The Board shall review all transactions entered into by the Superintendent or designee on behalf of the Board every 60 days. (Education Code 17605)

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 Board.

*(cf. 3110 - Transfer of Funds)*

District funds shall not be expended for the purchase of alcoholic beverages. (Education Code 32435)

**Purchasing Procedures**

Insofar as possible, 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. When price, fitness, and quality are equal, recycled products shall be preferred when procuring materials for use in district schools and buildings.

**EXPENDITURES AND PURCHASES (continued)***(cf. 3314.2 - Revolving Funds)**(cf. 3440 - Inventories)**(cf. 3511.1 - Integrated Waste Management)*

All purchases shall be made by formal contract or purchase order or shall be accompanied by a receipt. In order to eliminate the processing of numerous small purchase orders, the Superintendent or designee may create a "blanket" or "open" purchase order system for the purchase of minor items as needed from a vendor. He/she shall ensure that the "open" purchase order system details a maximum purchase amount, the types of items that can be purchased under this order, the individuals authorized to approve purchases, and the expiration date of the "open" order.

*Legal Reference:*EDUCATION CODE*17604 Delegation of powers to agents; approval or ratification of contracts by governing board**17605 Delegation of authority to purchase supplies and equipment**32370-32376 Recycling paper**32435 Prohibited use of public funds, alcoholic beverages**35010 Control of district; prescription and enforcement of rules**35035 Powers and duties of superintendent**35160 Authority of governing boards**35250 Duty to keep certain records and reports**38083 Purchase of perishable foodstuffs and seasonal commodities**41010 Accounting system**41014 Requirement of budgetary accounting*GOVERNMENT CODE*4330-4334 California made materials*PUBLIC CONTRACT CODE*3410 U.S. produce and processed foods**20111 Contracts over \$50,000; contracts for construction; award to lowest responsible bidder**Management Resources:*CSBA PUBLICATIONS*Maximizing School Board Governance: Fiscal Accountability, 2006*WEB SITES*CSBA, Financial Services: <http://www.csba.org/fs>**California Association of School Business Officials: <http://www.casbo.org>**California Department of Education: <http://www.cde.ca.gov>*

**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 Board of Education 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.

*(cf. 9270 - Conflict of Interest)*

*Legal Reference: (see next page)*

**BIDS (continued)**

*Legal Reference:*

EDUCATION CODE

17595 Purchases through Department of General Services  
38083 Purchase of perishable foodstuffs and seasonable commodities  
38110 Purchase of supplies through county superintendent  
38111 Purchases by district governing board  
38112 Purchases of necessary supplies  
39802 Transportation bids and contracts for services

GOVERNMENT CODE

4330-4334 Preference of California-made materials  
6252 Definition of public record  
53060 Special services and advice  
54201-54205 Purchase of supplies and equipment by local agencies

PUBLIC CONTRACT CODE

2001-2001 Responsive bidders  
3400 Bids, specifications by brand or trade name not permitted  
3410 United States produce and processed foods  
6610 Bid visits  
12200 Definitions, recycled goods, materials and supplies  
20103.8 Award of contracts  
20107 Bidder's security  
20111-20118.4 School districts  
20189 Bidder's security, earthquake relief  
22002 Definition of public project  
22030-22045 Alternative procedures for public projects (UPCCAA)  
22050 Alternative emergency procedures

COURT DECISIONS

Konica Business Machines v. Regents of the University of California, (1988) 206 Cal.App.3d 449

City of Inglewood-Los Angeles County Civic Center Authority v. Superior Court, (1972) 7 Cal.3d 861

ATTORNEY GENERAL OPINIONS

89 Ops. Cal. Atty. Gen. 1 (2006)

*Management Resources:*

WEB SITES

CSBA: [www.csba.org](http://www.csba.org)

California Association of School Business Officials: [www.casbo.org](http://www.casbo.org)

**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* means 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 the annual bid threshold as determined by the California Department of Education for the following: (Public Contract Code 20111; Government Code 53060)

1. The purchase of equipment, materials or supplies to be furnished, sold, or leased to the district
2. Services, not including construction services, or special services and advice in 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 the 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 Board of Education requires, or else all bids shall be rejected. (Public Contract Code 20111)

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)

**BIDS (continued)**

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)

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)

**Instructions and Procedures for Advertised Bids**

The Superintendent or designee shall call for bids by advertising in a local newspaper of general circulation published in the district, or if no such paper exists then in some newspaper of general circulation, circulated in the county at least once a week for two weeks. The district may also post the notice on the district's web site or other electronic portal and may accept a bid submitted electronically or on paper. 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 shall certify the minimum, if not exact, percentage of post consumer materials in products, materials, goods, or supplies offered or sold. (Public Contract Code 22152)
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

**BIDS (continued)**

The security of unsuccessful bidders shall be returned in a reasonable period of time, but in no event 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, 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 total of the bid prices 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 that, when taken in order from a specifically identified list of those items in the solicitation, and added to or subtracted from the base contract, are less than or equal to a funding amount publicly disclosed by the district before the first bid is opened.
  - d. The lowest bid shall be determined in a manner that prevents any information that would identify any of the bidders or proposed subcontractors or suppliers from being revealed to the district 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.
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.



**BIDS (continued)**

**Alternative Bid Procedures for Technological Supplies and Equipment**

Upon a finding by the Board that a particular procurement qualifies for the alternative procedure, the district may acquire computers, software, telecommunications equipment, microwave equipment, and other related electronic equipment and apparatus through competitive negotiation. This procedure shall not apply to contracts for construction or for the procurement of any product that is available in substantial quantities to the general public. (Public Contract Code 20118.2)

The competitive negotiation shall include, but not be limited to, the following requirements: (Public Contract Code 20118.1)

1. The Superintendent or designee shall prepare a request for proposals that shall be submitted to an adequate number of qualified sources, as determined by the district, to permit reasonable competition consistent with the nature and requirement of the procurement.
2. Notice of the request for proposals shall be published at least twice in a newspaper of general circulation, at least 10 days before the date for receipt of the proposals.
3. The district shall make every effort to generate the maximum feasible number of proposals from qualified sources and shall make a finding to that effect before proceeding to negotiate if only a single response to the request for proposals is received.
4. The request for proposals shall identify all significant evaluation factors, including price, and their relative importance.
5. The district shall provide reasonable procedures for the technical evaluation of the proposals received, the identification of qualified sources, and the selection for the award of the contract.
6. An award shall be made to the qualified bidder whose proposal meets the evaluation standards and will be most advantageous to the district with price and all other factors considered.
7. If an award is not made to the bidder whose proposal contains the lowest price, then the district shall make a finding setting forth the basis for the award.
8. The district, at its discretion, may reject all proposals and request new proposals.

**BIDS (continued)**

9. Provisions in any contract concerning utilization of small business enterprises, that are in accordance with the request for proposals, shall not be subject to negotiation with the successful proposer.

**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 data-processing 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)

*(cf. 3310 - Purchasing Procedures)*

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

Perishable commodities, such as foodstuffs, needed in the operations of cafeterias may be purchased through bid or on the open market. (Education Code 38083)

*(cf. 3551 - Food Service Operations/Cafeteria Fund)*

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 may, by unanimous vote and with the approval of the County Superintendent of Schools, contract for labor and materials or supplies without advertising for or inviting bids. (Public Contract Code 20113)

*(cf. 3517 - Facilities Inspection)*

*(cf. 9323.2 - Actions by the Board)*

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

**Sole Sourcing**

Specifications for contracts for construction, alteration, or repair of school facilities may not limit bidding, either directly or indirectly, to any one specific concern. Specifications designating a particular brand name shall follow the description with the words "or equal" so that bidders may furnish any equal material, product, thing, or service. (Public Contract Code 3400)

**BIDS (continued)**

Specifications for contracts may designate a product by brand or trade name (sole sourcing) if the district has made a finding, described in the invitation for bids or request for proposals, that a particular material, product, thing, or service is designated for any of the following purposes: (Public Contract Code 3400)

1. To conduct a field test or experiment to determine its suitability for future use
2. To match others in use on a particular public improvement that has been completed or is in the course of completion
3. To obtain a necessary item that is only available from one source
4. To respond to the Board's declaration of an emergency, as long as the declaration has been approved by four-fifths of the Board that issued the invitation for bid or request for proposals

**Protests by Bidders**

A bidder may protest a bid award if he/she believes that the award was inconsistent with Board policy, 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 supporting or justifying the protest. A bidder's failure to file the protest documents in a timely manner shall constitute a waiver of his/her right 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 working days. The Superintendent or designee may also 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.

**CONTRACTS**

Whenever state law invests the Board of Education with the power to enter into contracts on behalf of the district, the Board may, by a majority vote, delegate this power to the Superintendent or designee. To be valid or to constitute an enforceable obligation against the district, all contracts must be approved and/or ratified by the Board. (Education Code 17604)

*(cf. 3300 - Expenditures/Expending Authority)*  
*(cf. 3314 - Payment for Goods and Services)*  
*(cf. 3400 - Management of District Assets/Accounts)*

All contracts between the district and outside agencies shall conform to standards required by law and shall be prepared under the direction of the Superintendent or designee.

*(cf. 2121- Superintendent's Contract)*  
*(cf. 4312.1 - Contracts)*  
*(cf. 9124 - Attorney)*

When required by law, contracts and subcontracts made by the district for public works or for goods or services shall contain a nondiscrimination clause prohibiting discrimination by contractors or subcontractors. The nondiscrimination clause shall contain a provision requiring contractors and subcontractors to give written notice of their obligations to labor organizations with which they have a collective bargaining or other agreement. (Government Code 12990)

*(cf. 0410 - Nondiscrimination in District Programs and Activities)*

The district shall not enter into a contract that prohibits a school employee from disparaging the goods or services of the contracting party. (Education Code 35182.5)

**Contracts for Non-Nutritious Foods or Beverages**

Effective July 1, 2007, the district or a district school shall not enter into or renew a contract for the sale of foods that do not meet the nutritional standards specified in Education Code 49431 or 49431.2 unless the contract specifies that such sales will occur later than one-half hour after the end of the school day and/or off school premises. (Education Code 49431, 49431.2)

*(cf. 3554 - Other Food Sales)*

In accordance with the dates specified in law, the district or a district school shall not enter into or renew a contract for the sale of beverages that do not meet the nutritional standards in Education Code 49431.5, or Board Policy 5030, unless the contract specifies that such sales will occur later than one-half hour after the end of the school day and/or off school premises.

**CONTRACTS (continued)**

Before the district or a district school enters into or renews a contract that grants exclusive or nonexclusive advertising or sale of carbonated beverages, non-nutritious beverages, or non-nutritious food as defined in law, the Board shall ensure that the district has sufficient internal controls in place to protect the integrity of public funds and to ensure that funds raised as a result of the contract benefit public education. (Education Code 35182.5)

The Superintendent or designee shall develop the district's internal control procedures to protect the integrity of public funds. Such internal controls may include but not be limited to the following:

1. Control procedures that produce accurate and reliable financial statements and, at the same time, safeguard the assets, financial resources, and integrity of every employee responsible for handling money or property. Control systems shall be systematically evaluated and revised to keep pace with the changing responsibilities of management.

*(cf. 3100 - Budget)*

*(cf. 3400 - Management of District Assets/Accounts)*

*(cf. 3460 - Financial Reports and Accountability)*

In addition, the contract may specify whether contractor logos are permitted on district facilities, including but not limited to scoreboards and other equipment. If such logos are permitted, the contractor shall present the equipment to the Board as a gift. The gift may be accepted by the Board in accordance with Board policy and administrative regulation.

*(cf. 3290 - Gifts, Grants and Bequest)*

To ensure that funds raised by the contract benefit district schools and students:

1. The Superintendent or designee may involve parents/guardians, students, staff, and interested community members to make recommendations regarding the contract, including recommendations as to how the funds will be spent in a manner that benefits public education.

*(cf. 1220 - Citizen Advisory Committees)*

4. The Superintendent or designee shall ensure that the contract does not limit the ability of student and parent organizations to plan and operate fund-raising activities.

*(cf. 1230 - School-Connected Organizations)*

*(cf. 1321 - Solicitation of Funds from and by Students)*

## **CONTRACTS (continued)**

The contract shall be entered into on a competitive bid basis pursuant to Public Contract Code 20111 or through the issuance of a Request for Proposal. (Education Code 35182.5)

*(cf. 3311 - Bids)*

The Board shall not enter into or renew a contract that grants exclusive or nonexclusive advertising or sale of carbonated beverages, non-nutritious beverages, or non-nutritious food until parents/guardians, students, and members of the public have had an opportunity to comment on the contract at a public hearing held during a regularly scheduled board meeting or as otherwise authorized by Education Code 35182.5. The Board shall clearly, and in a manner recognizable to the general public, identify in the agenda the contract to be discussed at the meeting. (Education Code 35182.5)

*(cf. 9322 - Agendas/Meeting Materials)*

*(cf. 9323 - Meeting Conduct)*

The public hearing shall include but not be limited to a discussion of the nutritional value of food and beverages sold within the district; the availability of fresh fruit, vegetables, and grains in school meals and snacks, including locally grown and organic produce; the amount of fat, sugar, and additives in the food and beverages discussed; and barriers to student participation in school breakfast and lunch programs. (Education 35182.5)

*(cf. 5030 - Student Wellness)*

The contract shall be accessible to the public and may not include a confidentiality clause that would prevent the district or a district school from making any part of the contract public. (Education Code 35182.5)

*(cf. 1340 - Access to District Records)*

## **Contracts for Electronic Products or Services**

The Board shall not enter into a contract for electronic products or services that requires the dissemination of advertising to students, unless the Board: (Education Code 35182.5)

1. Enters into the contract at a noticed, public hearing of the Board.

*(cf. 9320 - Meetings and Notices)*

2. Makes a finding that the electronic product or service is or would be an integral component of the education of students.

*(cf. 0440 - District Technology Plan)*

*(cf. 6162.7 - Use of Technology in Instruction)*

## CONTRACTS (continued)

3. Makes a finding that the district cannot afford to provide the electronic product or service unless it contracts to permit dissemination of advertising to students.

(cf. 1325 - Advertising and Promotion)

4. As part of the district's normal, ongoing communication to parents/guardians, provides written notice that the advertising will be used in the classroom or other learning center.

### *Legal Reference:*

#### EDUCATION CODE

200-262.4 Prohibition of discrimination on the basis of sex

14505 Provisions required in contracts for audits

17595-17606 Contracts

35182.5 Contract prohibitions

45103.5 Contracts for management consulting service related to food service

49431-49431.5 Nutritional standards

#### CODE OF CIVIL PROCEDURE

685.010 Rate of interest

#### GOVERNMENT CODE

12990 Nondiscrimination and compliance employment programs

53260 Contract provision re maximum cash settlement

53262 Ratification of contracts with administrative officers

#### LABOR CODE

1775 Penalties for violations

1810-1813 Working hours

#### PUBLIC CONTRACT CODE

4100-4114 Subletting and subcontracting fair practices

7104 Contracts for excavations; discovery of hazardous waste

7106 Noncollusion affidavit

20111 Contracts over \$50,000; contracts for construction; award to lowest responsible bidder

20104.50 Construction Progress Payments

22300 Performance retentions

#### UNITED STATES CODE, TITLE 20

1681-1688 Title IX, discrimination

### *Management Resources:*

#### CSBA PUBLICATIONS

*Student Wellness: A Healthy Food and Physical Activity Policy Resource Guide*, rev. 2005

#### WEB SITES

CSBA: <http://www.csba.org>

California Association of School Business Officials: <http://www.casbo.org>

**EDUCATIONAL TRAVEL PROGRAM CONTRACTS**

The Board of Education believes that field trips and other travel opportunities for students are a valuable tool in supporting classroom instruction and promoting students' awareness of places and events. In contracting with organizations to provide educational travel services, the Board desires to ensure a quality educational experience and the health, safety and welfare of each student traveler.

The Superintendent or designee shall contract only with educational travel organizations which adhere to state law and exhibit safe and reputable business practices.

*(cf. 3312 - Contracts)*

*(cf. 3541.1 - Transportation for School-Related Trips)*

*(cf. 6153 - School-Sponsored Trips)*

The Superintendent or designee shall establish procedures for selecting the highest quality vendor, taking into account student safety, quality of the program and fiscal integrity.

*Legal Reference:*

EDUCATION CODE

35160 Authority of boards

35160.1 Broad authority of school districts

BUSINESS AND PROFESSIONS CODE

17540 Travel promoters

17550-17550.9 Sellers of travel

17552-17556.5 Educational travel organizations



**EDUCATIONAL TRAVEL PROGRAM CONTRACTS**

**Definitions**

*Educational travel organization or organization* means a person, partnership, corporation, or other entity which offers educational travel programs for students residing in California. (Business and Professions Code 17552)

*Student traveler or student* means a person who is enrolled in elementary or secondary school, grades kindergarten through grade 12, at the time an educational travel program is arranged with an educational travel organization. (Business and Professions Code 17552)

*Educational travel program* means travel services that are arranged through or offered to an elementary or secondary school in the state, and where the services are represented to include an educational program as a component. (Business and Professions Code 17552)

*Owner* means a person or organization which owns or controls 10 percent or more of the equity of, or otherwise has claim to 10 percent or more of the net income of, the educational travel organization. (Business and Professions Code 17554)

*Principal* means an owner, an officer of a corporation, a general partner of a partnership, or a sole proprietor of a sole proprietorship. (Business and Professions Code 17554)

**Contract Requirements**

The Superintendent or designee shall ensure that each written contract with an educational travel organization includes all of the following: (Business and Professions Code 17554)

1. The travel organization's name, trade or business name, business address, business telephone number and a 24-hour emergency contact number
2. An itemized statement which shall include but not be limited to:
  - a. Services to be provided as part of the program
  - b. Agreed cost for the services
  - c. A statement as to whether or not the educational travel organization maintains insurance that supplies coverage in the event of injury to any student traveler, including the type and amount of coverage, the policy number and issuer, and the name and telephone number of the person or organization which is able to verify coverage

**EDUCATIONAL TRAVEL PROGRAM CONTRACTS (continued)**

- d. Any additional costs to students
  - e. The qualifications, if any, for experience and training that are required to be met by the educational travel organization's staff who shall accompany students on the educational travel program
- 3. A written description of the educational program being contracted for, including a copy of all materials to be provided to students
  - 4. The number of times the educational travel program or a substantially similar educational travel program proposed by the contract has been conducted by the organization and the number of students who completed the program
  - 5. The length of time the organization has either been arranging or conducting educational travel programs and, at the option of the organization, other travel services with substantially similar components
  - 6. The name of each owner and principal of the organization
  - 7. A statement as to whether any owner or principal of the organization has had entered against him or her any judgment, including a stipulated judgment, order, made a plea of nolo contendere or been convicted of any criminal violation in connection with the sale of any travel services for a period of 10 years predating the contract

District staff shall inform all vendors representing educational travel organizations that they may not arrange a travel program before the district has first entered into a written contract with the organization.

**PAYMENT FOR GOODS AND SERVICES**

The Governing Board recognizes the importance of developing a system of internal control procedures in order to help fulfill its obligation to monitor and safeguard district resources. To facilitate warrant processing, the Superintendent or designee shall ensure that purchasing, receiving, and payment functions are kept separate. He/she shall also ensure that invoices are paid expeditiously so that the district may, to the extent possible, take advantage of available discounts and avoid finance charges.

*(cf. 3300 - Expenditures and Purchases)*

*(cf. 3312 - Contracts)*

*(cf. 3314.2 - Revolving Funds)*

*(cf. 3400 - Management of District Assets/Accounts)*

*(cf. 9320 - Meetings and Notices)*

The Superintendent or designee shall sign all warrants and shall ensure that warrants have appropriate documentary support verifying that all goods and services to be paid for have been delivered or rendered in accordance with the purchase agreement.

The Board shall approve all warrants at a regularly scheduled Board meeting.

*(cf. 9320 - Meetings and Notices)*

The district shall not be responsible for unauthorized purchases.

*Legal Reference: (see next page)*

## **PAYMENT FOR GOODS AND SERVICES (continued)**

### *Legal Reference:*

#### EDUCATION CODE

17605 Delegation of authority for purchases  
42630-42651 Orders, requisitions and warrants  
42800-42806 Revolving cash fund  
42810 Alternative revolving fund  
42820 Prepayment funds

#### CODE OF CIVIL PROCEDURE

685.010 Rate of interest

#### GOVERNMENT CODE

16.5 Digital signatures  
5500-5506 Uniform Facsimile Signatures of Public Officials Act  
8111.2 Definition of public entity

#### PUBLIC CONTRACT CODE

7107 Retention proceeds; withholding; disbursement  
9203 Payment for projects costing over \$5000  
20104.50 Timely progress payments

#### CODE OF REGULATIONS, TITLE 2

22000-22005 Digital signatures

### *Management Resources:*

#### CSBA PUBLICATIONS

Maximizing School Board Governance: Understanding California's Public School Finance System, 2006

Maximizing School Board Governance: Budget Planning and Adoption, 2006

Maximizing School Board Governance: Understanding District Budgets, 2006

Maximizing School Board Governance: Fiscal Accountability, 2006

School Finance CD-ROM, 2005

#### WEB SITES

CSBA: <http://www.csba.org>

California Secretary of State, digital signatures: <http://www.sos.ca.gov/digsig/digsig.htm>

Fiscal Crisis Management & Assistance Team: <http://www.fcmat.org>

**PAYMENT FOR GOODS AND SERVICES**

**Payments to Contractors**

The district shall make payment on any contract for the creation, construction, alteration, repair, or improvement of any public structure, building, or other improvement of any kind which costs over \$5,000 based on estimates of actual work completed that have been approved by the Governing Board. The district shall not make progress payments in excess of 95 percent of the actual work completed and may include 95 percent of the value of material delivered or stored but as yet unused. The district shall withhold at least five percent of the contract price until the final completion and acceptance of the project.

The Superintendent or designee shall ensure that requests for progress payments related to contracts for public works are processed and paid within 30 days. Any improper request shall be returned to the contractor within seven days, together with a written statement of why the request is not proper. (Public Contract Code 20104.50)

*(cf. 3312 - Contracts)*

Retention proceeds withheld by the district from payments to contractors for public works contracts shall be released within 60 days after the construction or improvement is completed. In the event of a dispute between the district and the contractor, the district may withhold from the final payment an amount not to exceed 150 percent of the disputed amount. (Public Contract Code 7107)

## REVOLVING FUNDS

### District Revolving Fund

The Board of Education has established by resolution a revolving cash fund for use by the Superintendent or designee in paying for goods, services and other charges determined by the Board, including supplemental payments required to correct any payroll errors. (Education Code 42800-42806, 45167)

At the request of the Board, County Auditor or County Superintendent of Schools, the Superintendent or designee shall give an account of the fund. (Education Code 42804)

The funds shall be deposited in a bank doing business locally, whose deposits are insured by FDIC. The Superintendent or designee shall be responsible for all payments into the account as well as expenditures from the account subject to the restrictions established by the Board.

The Board shall review and revise fund usage as appropriate.

*(cf. 3400 - Management of District Assets/Accounts)*

### Additional Revolving Funds

No funds maintained in a revolving fund shall be used in an attempt to influence government decisions, for entertainment purposes, or for any other purpose not related to classroom instruction. (Education Code 42810)

The Board shall name the administrators who will have use and control of the funds. Officials so named shall be responsible for all payments into the accounts as well as expenditures from the accounts, subject to restrictions established by the Board.

The revolving cash fund for supplies shall be subject to the bonding provisions of Education Code 42801.

*(cf. 3530 - Risk Management/Insurance)*

The Board shall provide an audit of revolving funds on a regular basis. (Education Code 42810)

#### *Legal Reference:*

##### EDUCATION CODE

35160 Authority of governing boards

41020 Audits of all district funds

42238 Local taxation by school districts

42800-42806 Revolving cash fund

42810 Revolving cash funds; use; administrators

45167 Error in salary

Policy

adopted: May 7, 2008

**PAJARO VALLEY UNIFIED SCHOOL DISTRICT**  
Watsonville, California

**RELATIONS WITH VENDORS**

No district employee or Board of Education member shall accept personal gifts, commissions or expense-paid trips from individuals or companies selling equipment, materials or services required in the operation of district programs. Gifts include any gift purchased specifically for an employee which is not generally offered to other buyers.

This policy does not prohibit employees from accepting promotional or advertising items such as calendars, desk pads, notebooks and other office gadgets which are offered by business concerns free to all as part of their public relations programs.

District employees who work for or serve as consultants for potential vendors shall not participate in evaluating any equipment, materials or services of that vendor or its competitors.

*(cf. 6161.1 - Selection and Evaluation of Instructional Materials)*

*(cf. 9270 - Conflict of Interest)*

This policy does not prohibit the acceptance of materials and/or services which are of use and benefit to the district.

*(cf. 3290 - Gifts, Grants and Bequests)*

*Legal Reference:*

EDUCATION CODE

60071 Prohibited offers to influence adoption or purchase of instructional materials

60072 Acceptance of consideration or inducements by school official

60073 Penalties for violation of article

60074 Supplying sample copies

60075 Receiving sample copies

60076 Inapplicability of article; royalties or other compensation of school official for writing or preparing instructional materials; claim of district to royalty