

# SCHOOL DISTRICT OF PITTSVILLE BOARD POLICY

## STANDARDS OF CONDUCT IN PURCHASING AND CONTRACTING

### COOPERATIVE PURCHASING

672.4

The Board of Education recognizes the advantages of centralized purchasing in that volume buying tends to maximize value for each dollar spent. The Board, therefore, encourages the administration to seek advantages in savings that may accrue to this District through joint agreements for the purchase of consumables, supplies, equipment, or services with the governing body(ies) of other governmental units.

The Board authorizes the Superintendent, Director of Business Services or the Supervisor who has budget management authority within the budget area, to negotiate such joint purchase agreements for consumables, services, supplies, and equipment which may be determined to be required from time to time by the Board and which the Board may otherwise lawfully purchase for itself, with governmental contracting units as may be appropriate in accordance with State law, the policies of this Board, and the dictates of sound purchasing procedures.

**Cooperative Purchasing of Goods or Services Using Federal Grants or Awards** – The new "Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Grants and Awards" (Uniform Guidance - 2 C.F.R. Part 200) expressly encourage school districts and other non-federal entities receiving federal grants and awards to enter into state and local intergovernmental agreements or inter-entity agreements, where appropriate, for procurement or use of common or shared goods and services. The purpose of doing this is to foster greater economy and efficiency and to promote cost-effective use of shared services.

Non-federal entities receiving federal grants and awards (including school districts) are required to use their own documented procurement procedures when making purchases for goods or services utilizing federal funds. The procedures must reflect applicable state, local and tribal laws and regulations and be in conformance with applicable federal law and procurement standards. The procedures must avoid acquisition of unnecessary or duplicative items. Consideration is to be given to consolidating or breaking out procurements to obtain a more economical purchase. Where appropriate, an analysis should be made of lease versus purchase alternatives, and any other appropriate analysis to determine the most economical approach. Non-federal entities making purchases utilizing federal funds are also encouraged to use federal excess and surplus property in lieu of purchasing new equipment and property whenever such use is feasible and reduces project costs.

Procurement contracts can only be awarded to responsible contractors possessing the ability to perform successfully under the terms and conditions of the proposed procurement. Consideration is to be given to such matters as contractor integrity, compliance with public policy, record of past performance, and financial and technical resources. Non-federal entities receiving and utilizing federal funds are required to maintain records sufficient to detail the history of the procurement. These records must include, but are not necessarily limited to the following: the rationale for the methods of procurement, selection of contract type, contractor selection or rejection, and the basis for the contract price.

**Cooperative Purchasing for Child Nutrition Programs** - The U.S. Department of Agriculture (USDA) has explicitly stated that group purchasing organizations and cooperative purchasing arrangements may be used in federally funded child nutrition programs (e.g., National School Lunch and Breakfast Programs, Milk Program) as long as school food authorities follow federal procurement regulations, including all related USDA regulations, when entering into contractual agreements with entities for goods or services. This includes conducting procurement transactions in a manner providing for full and open competition in a manner as may be applicable to the specific transaction.

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When considering participation in a cooperative purchasing/buying group or organization, school food authorities must give consideration to the makeup of the purchasing/buying group or organization. State and federal procurement regulations will apply differently depending on the makeup of the purchasing/buying group.

According to the USDA, a school food authority may only enter into an intergovernmental agreement with a state agency or local government agency/entity which allows the school food authority to join or “piggyback” onto an existing agreement between the state or local governmental entity and a goods or services provider when that agreement was procured in a manner that was fully consistent with applicable federal funds and child nutrition program regulations.

Because the local school food authority is ultimately responsible for ensuring compliance with applicable child nutrition program regulations, it is also important for school districts that participate in a cooperative purchasing/buying group to ensure that they have access to documentation from the group’s or organization’s purchasing processes so that they can verify that solicitations for goods and services comply with applicable federal procurement requirements.

### **LEGAL REFERENCES:**

#### **Wisconsin Statutes**

Section 16.73 [General authority to enter into cooperative purchasing agreements for goods or services]

#### **Federal Law**

2 C.F.R. §200.318 [uniform guidance related to acceptance and use of federal funds by non-federal entities; written standards of conduct required]

2 C.F.R. §200.319 [uniform guidance related to ensuring objective contractor performance and eliminating unfair competitive advantage]

### **CROSS REFERENCES:**

Board Policy 67.42 – Authority to Make Purchases & Enter into Procurement Contracts

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