

## **Title: Procedure for Procurement Standards and Code of Conduct.**

### **Control Information**

<b>Control Item</b>	<b>Details</b>
Owner/Curator	Payton James-Amberg
Policy #	Procedure00021b Draft
Supersedes	None
File Location	<a href="http://www.muddycreekcharterschool.org">www.muddycreekcharterschool.org</a>
Board approval date	

### **Revision History**

<b>Revision</b>	<b>Date</b>	<b>Revision Description</b>	<b>Originator</b>
A	7/16/2006	Initial Release	Payton James-Amberg
B	10/15/2009	Revise to incorporate into present format	Kathleen Westly

## **Objective:**

These standards are designed to ensure that materials and services obtained by and for Inavale Community Partners (ICP) in conjunction with the development and operation of the Muddy Creek Charter School (MCCS) and other projects are obtained in an effective manner, consistent with our mission, and in compliance with executive orders and Federal statutes (where applicable).

## **Codes of Conduct:**

Committees authorized by ICP to spend Federal Funds must keep accurate minutes of committee meetings including attendance at meetings, motions, and voting results. A complete set of minutes containing all the motions to spend Federal Funds must be kept on file with the appropriate grant with the ICP secretary (see note below).

No obligation may be incurred by any officer or employee of the Muddy Creek Charter School or Inavale Community Partners unless that expenditure has been authorized in the budget or by ICP Board action and/or Board Policy. To be considered official, the majority of the ICP Board must approve any motion involving spending more than \$1,000.

No employee, officer or agent shall participate in the selection, award, or administration of a contract if a real or apparent conflict of interest would be involved and such people must recuse themselves from voting if the motion on the floor contains a real or apparent conflict of interest.

No Board member, officer, employee, or agent of ICP or MCCS shall use or attempt to use his/her official position to obtain financial gain or for avoidance of financial detriment for himself/herself, a relative, or for any business with which the Board member or a relative is associated. Acceptance of any gratuities, gifts, items of value, financial or otherwise, totaling over \$100 in a fiscal year, from any supplier of materials or services to ICP by any Board member, officer, or employee of ICP or MCCS is prohibited.

All procurement transactions shall be conducted in a manner to provide, to the maximum extent practical, open and free competition.

## Procurement Procedures:

1. Avoid purchasing unnecessary items.
2. Where appropriate, an analysis is made of lease and purchase alternatives to determine which would be the most economical and practical procurement.
3. Solicitations for goods and services shall provide for all of the following:
  - a. A clear and accurate description of the technical requirements for the material, product, or service to be procured. In competitive procurements a description shall not contain features that unduly restrict competition.
  - b. Factors which ICP and/or MCCS will use in evaluating bids or proposals.
  - c. Specific features of brand names or equal descriptions that bidders are required to meet.
  - d. Have preference for products and services that conserve natural resources and protect the environment, and are energy efficient.
4. Show positive efforts to utilize locally owned businesses whenever possible.
5. All pre-award or pre-purchase documentation pertaining to MCCS shall be kept on file with the appropriate grant with the ICP secretary (see note below).
6. Procurement records for MCCS and ICP shall be kept for all purchases and contract awards above \$2,000 and such records shall be kept on file with the appropriate grant with the ICP secretary (see note below).

7. All contracts in excess of \$25,000 must contain:
  - a. Contractual provisions or conditions that allow for administrative, contractual, or legal remedies in instances in which a contractor violates or breaches the contract terms, and provide for remedial actions as may be appropriate.
  - b. Provisions for termination by ICP or MCCS including the manner by which termination shall be effected and the basis for settlement.
  - c. Requirements relating to bid guarantees, performance bonds, and payments bonds.
8. All contracts in excess of \$100,000 must follow the guidelines for minimum requirements as recommended by the state.
9. The ICP board shall approve all contracts that are collective bargaining agreements or service contracts that include the provision of labor performed by MCCS employees, such as custodial, food service and transportation services.

## Procurement Records:

Procurement records and files must be kept on file with the appropriate grant with the ICP secretary and should include:

1. Basis for the selection
2. Justification for the lack of competition when competitive bids or offers are not obtained.
3. List of all places that were solicited for price or bid as well as all submitted prices or bids.

NOTE: MCCS procurement records and files must be kept on file with the ICP secretary until such time as the school opens, at which time all such records will be transferred to the school office. Once open, all subsequent procurement records pertaining to MCCS will be kept on file at the school office.