



Policy: 4: 60

Section: Section 4 - Operational Services

Purchases and Contracts

The Superintendent shall manage the District's purchases and contracts in accordance with State law, the standards set forth in this policy, and other applicable School Board policies.

Standards for Purchasing and Contracting

All purchases and contracts shall be entered into in accordance with applicable federal and State law. The Board Attorney shall be consulted as needed regarding the legal requirements for purchases or contracts. All contracts shall be approved or authorized by the Board.

All purchases and contracts should support a recognized District function or purpose as well as provide for good quality products and services at the lowest cost, with consideration for service, reliability, and delivery promptness, and in compliance with State law. No purchase or contract shall be made or entered into as a result of favoritism, extravagance, fraud, or corruption.

Adoption of the annual budget authorizes the Superintendent or designee to purchase budgeted supplies, equipment, and services, provided that State law is followed. Purchases of items outside budget parameters require prior Board approval, except in an emergency.

Notwithstanding the above, the Superintendent shall not commit to any single, non-customary purchases or expenditure, excluding personnel, of greater than \$35,000.00 without prior Board approval.

When presenting a contract or purchase for Board approval, the Superintendent or designee shall ensure that it complies with applicable federal and State law, including but not limited to, those specified below:

1. Supplies, materials, or work involving an expenditure in excess of \$35,000 must comply with the State law bidding procedure, 105 ILCS 5/10-20.21, unless specifically exempted.

2. Construction, lease, or purchase of school buildings must comply with State law and Board policy 4:150, *Facility Management and Building Programs*.
3. Guaranteed energy savings must comply with 105 ILCS 5/19b-1 et seq.
4. Third party non-instructional services must comply with 105 ILCS 5/10-22.34c.
5. Goods and services that are intended to generate revenue and other remunerations for the District in excess of \$1,000, including without limitation vending machine contracts, sports and other attire, class rings, and photographic services, must comply with 105 ILCS 5/10-20.21. The Superintendent or designee shall keep a record of: (1) each vendor, product, or service provided, (2) the actual net revenue and non-monetary remuneration from each contract or agreement, and (3) how the revenue was used and to whom the non-monetary remuneration was distributed. The Superintendent or designee shall report this information to the Board by completing the necessary forms that must be attached to the District's annual budget.
6. Any contract to purchase food with a bidder or offeror must comply with 105 ILCS 5/10-20.21(b-10).
7. The purchase of paper and paper products must comply with 105 ILCS 5/10-20.19c and Board policy 4:70, *Resource Conservation*.
8. Each contractor with the District is bound by each of the following:
 - a. In accordance with 105 ILCS 5/10-21.9(f): (1) prohibit any of its employees who is or was found guilty of a criminal offense listed in 105 ILCS 5/10-21.9(c) and 5/21B-80(c) to have direct, daily contact at a District school or school-related activity with one or more student(s); (2) prohibits any of the contractor's employees from having direct, daily contact with one or more students if the employee was found guilty of any offense in 5/21B-80(b) (certain drug offenses) until seven years following the end of the employee's sentence for the criminal offense; and (3) require each of its employees who will have direct, daily contact with student(s) to cooperate during the District's fingerprint-based criminal history records check on him or her.
 - b. In accordance with 105 ILCS 5/22-94: (1) prohibit any of its employees from *having direct contact with children or students* if the contractor has not performed a sexual misconduct related employment history review (EHR) of the employee or if the District objects to the employee's assignment based on the employee's involvement in an instance of sexual misconduct as provided in 105 ILCS 5/22-94(j)(3), which the contractor is required to disclose; (2) discipline, up to and including termination or denial of employment, any employee who provides false information or willfully fails

to disclose information required by the EHR; (3) maintain all records of EHRs and provide the District access to such records upon request; and (4) refrain from entering into any agreements prohibited by 105 ILCS 5/22-94(g).

- c. In accordance with 105 ILCS 5/24-5: (1) concerning each new employee of a contractor that provides services to students or in schools, provide the District with evidence of physical fitness to perform the duties assigned and freedom from communicable disease ; and (2) require any new or existing employee who provides services to student s or in schools to complete additional health examinations as required by the District and be subject to additional health examinations, including tuberculosis screening, as required by the Illinois Dept of Public Health rules or order of a local health official.
- 9. Any pavement engineering project using a coal tar-based sealant product or high polycyclic aromatic hydrocarbon sealant product for pavement engineering-related use must comply with the Coal Tar Sealant Disclosure Act.
 - 10. Design-build contracts must comply with 105 ILCS 5/15A-1 et seq.
 - 11. Any new contract for a district-administered assessment must comply with 105 ILCS 5/10-20.85.
 - 12. Purchases made with federal or State awards must comply with 2 C.F.R. Part 200 and 30 ILCS 708/, as applicable, and any terms of the award.
 - 13. The District shall consider if bidders are responsible bidders when the project exceeds \$50,000. "Responsible Bidder" means a person or entity who has the capability in all respects to perform full the contract requirements and the integrity and reliability that will assure good faith performance. A responsible bidder shall not include a business or other entity that does not exist as a legal entity at the time of bid or offer is submitted for a District contract. In reviewing bids for construction projects, the District shall consider all documents/information submitted including, but not limited to: (1) overall bid quality and accuracy to the construction documents and specifications; (2) past performance on similar projects; (3) submission of required certifications/documents such as bid and/or performance bonds, insurance certificates, bid rigging certification, minority and women-owned business disclosure, a certificate regarding department or other exclusion, a certificate regarding lobbying; OFAC compliance, vendor conflict of interest disclosure, certified cleared employee list, asbestos notification, (4) evidence of participation in apprenticeships and training programs applicable to the work to be performed, which are approved by and registered with the U.S. Department of Labor's Office of Apprenticeship; and (5) documents evidencing the bidder's commitment to diversity, equity, and inclusion (DEI) in business and workforce

practices. Examples include but are not limited to: a copy of the bidders Disadvantaged Business Enterprise (DBE), Business Enterprise Program (BEP), or similar certification issued by a governmental agency or bona fide nonprofit organization; if the bidder is not an M/W/DBE firm, a copy of the company's DEI policy or similar policies; information pertaining to the bidder's diverse business and workforce practices or achievements, for example, documentation of current contracts with DBE subcontractors or BEP vendors for materials and/or supplies; or other relevant DEI information.

The Superintendent or designee shall: (1) execute the reporting and website posting mandates in State law concerning District contracts, and (2) monitor the discharge of contracts, contractors performances, and the quality and value of services or products being provided.

LEGAL REF.:

2 C.F.R. Part 200.

105 ILCS 5/10-20.19c, 5/10-20.21, 5/10-20.85, 5/10-21.9, 5/10-22.34c, 5/15A-1 et seq., 5/19b-1 et seq., 5/22-94, and 5/24-5.

30 ILCS 708/, Grant Accountability and Transparency Act.

410 ILCS 170/, Coal Tar Sealant Disclosure Act.

820 ILCS 130/, Prevailing Wage Act.

CROSS REF.:

2:100 (Board Member Conflict of Interest),

4:70 (Resource Conservation),

4:150 (Facility Management and Building Programs),

4:175 (Convicted Child Sex Offender; Screening; Notifications)

5:90 (Abused and Neglected Child Reporting)

ADOPTED:

August 23, 1999

REVISED:

January 21, 2020

November 15, 2021

January 18, 2022

July 17, 2023

December 15, 2023

April 15, 2024

December 16, 2024

REVIEWED:

May 31, 2023

November 9, 2023

March 14, 2024

Adoption Date: **August 23, 1999**
Last Revised: **December 16, 2024**
Last Reviewed Dates: **March 14, 2024**
