

TIMPANOGOS ACADEMY

PURCHASING/PROCUREMENT

I. Board Directive

A. Purpose

The Board recognizes the need for specific procedures to govern procurement of equipment, supplies, textbooks, services, professional services and all aspects of construction. The Board further recognizes that such procedures should provide for both quality and price consideration and should comply with all applicable state and federal procurement laws. No purchase shall be made, and no indebtedness shall be incurred by any officer or employee of the school Timpanogos Academy that exceeds the authority given in this administrative policy, except those authorized by the full Timpanogos Academy Board. [Utah Code 53G-4-405](#)

B. Adoption

The Board adopts the rules and procedures set forth in the [Utah Procurement Administrative Rule R33](#), adopted by the Chief Procurement Officer of the State of Utah. This election is made pursuant to [Utah Code Title 63G-6a](#) also known as the “[Utah Procurement Code](#)” (UPC).

C. Purchasing Authority

The Board, in adopting this policy, acts pursuant to [63G-6a-103\(39\)](#) and hereby grants approval and authority to The Timpanogos Academy Foundation Budget Committee and such other designees as are stated in this policy to carry out the duties stated herein.

D. Board Approval

The Board shall approve procurement through either of the following methods:

1. The Board shall approve an appropriation for the procurement identified in the Timpanogos Academy budget, or;
2. The Board shall approve an individual purchase when made during the fiscal year if not previously individually approved as part of the Timpanogos Academy budget. [Utah Code 53G-4-405](#)

E. Compliance with State and Federal Law and Exemptions from Chapter

This policy is not applicable to funds administered under the Percent-for-Art Program of the [Utah Percent-for-Art Act](#). This policy is not applicable to grants awarded by the State of Utah or contracts between the State of Utah and the Timpanogos Academy where the grant specifically requires expenditures be made to specific vendors for predetermined products. This policy shall not prevent the Timpanogos Academy from complying with the terms and conditions of any grant, gift or bequest that is otherwise consistent with law. When procurement involves the expenditure of federal assistance or contract funds, the Timpanogos Academy and Business Office shall comply with mandatory applicable federal law and regulations not reflected in this policy. [63G-6a-107](#).

II. Administrative Policy

A. Purchasing

This section shall apply to all procurement by the Timpanogos Academy unless otherwise indicated.

1. Purchasing Department

There is established Budget Committee in the administration of The Timpanogos Academy Foundation. The Budget Committee shall be staffed by those administrators and support personnel as the Administration deems necessary and appropriate. The Budget Committee personnel may take any action of a procurement nature to advance the economic well-being and efficient operation of the Timpanogos Academy, so long as that action is not in conflict with the [Utah Procurement Code](#), [Utah Procurement Rules](#), the policies of the State Board of Education or policies of the Board of Education of The Timpanogos Academy Foundation.

2. Director

- a. The Director is delegated the authority by the Board to carry out the procurement functions of the Timpanogos Academy and to ensure such functions are in accordance with established policies and written procedures.
- b. The Director may delegate, in writing, purchasing authority to other Timpanogos Academy employees as necessary to fulfill the purpose and philosophy of this policy.
- c. The Director is also given authority to withdraw delegated authority.

3. Sole Source Procurement

A contract may be awarded for a supply, service or construction item without using a standard procurement process when the Director or Business Administrator determines in writing that there is only one source for the required supply, service or construction and if it is in the best interest of the Timpanogos Academy not to seek competition. [63G-6a-802](#)

4. Emergency Procurement

The Director or designee may authorize an emergency procurement without using a standard procurement process when an emergency condition exists. When the Director authorizes an emergency procurement, he/she shall:

- a. Ensure that the procurement is made with as much competition as reasonably practicable while avoiding harm, or a risk of harm, to the public health, safety, welfare, or property; or protecting the legal interests of the Timpanogos Academy.
- b. After the emergency has abated, prepare a written document explaining the emergency condition that necessitated the emergency procurement. [UPC 63G-6a-804](#)

5. Contracts

- a. All procurement activities must be conducted in strict accordance with all applicable procurement laws, including the [Utah Procurement Code](#) and the [Utah Public Officers' and Employees' Ethics Act](#). Timpanogos Academy employees shall also comply with all Timpanogos Academy policies and procedures when making any purchases.
 - b. Contracts must be approved by the Business Administrator or designee, according to procedures outlined in the [Financial Accounting Manual](#).
 - c. These procedures apply to any purchases or contracts over \$20,000 made within the Timpanogos Academy, regardless of the source of the money to be expended or received.
 6. Description and Specification Development
 - a. Product and service specifications are to be drafted by the requesting school or department and submitted with a requisition to the Purchasing Department. If unable to do so, the Department will assist the requesting school or department to develop specifications.
 - b. Specifications shall seek to promote the overall economy and best use for the purposes intended and encourage competition in satisfying the needs of the Timpanogos Academy and may not be unduly restrictive. [63G-6a-111](#)
- B. Small Purchases
 1. The purchase of items costing less than \$50,000 shall be designated as a small purchase and must be approved by the Purchasing Department.
 2. Procurements shall not be artificially subdivided to constitute a small purchase. [UPC 63G-6a-506](#).
 3. The Board delegates to the Director, the authority to establish guidelines for small purchases. Such guidelines shall be set forth in the [Financial Accounting Manual](#) which shall be at least as restrictive or more restrictive than the established state procurement rules and using sound accounting practices. [R33-5-104](#)
- C. Purchases \$50,000 and Greater
 1. Except for bids which are approved by the Director under the amount of \$50,000, or in the event of a sole source or emergency procurement, the Timpanogos Academy may proceed using a standard procurement process which is best suited for the Timpanogos Academy's purposes and according to the requirements of the [Utah Procurement Code](#).
 2. All purchases \$50,000 and greater shall be approved by the Board of Education.
- D. Procurement of Construction and Related Services

The rules and procedures regarding procurement of goods and services under Section II of this policy shall apply to the procurement of construction services, except as outlined below.

 1. Direct Award without Competition

- a. \$0 to \$4,999
Direct purchase using a signed and authorized purchase order by the originating department entered in the non-printed comments on the electronic purchase order system.
 - b. \$5000 to \$19,999
Direct purchase using a signed and authorized purchase order by the originating department selected from a list of prequalified vendors solicited by the Business Office.
 - c. \$20,000 to \$79,999
Competition must be solicited either using at least three (3) written quotes or following the standard bid process outlined in the [Utah Procurement Code](#).
2. Solicitation Type
The Business Office shall determine which method of construction contracting management is to be used for each project. The Department shall execute and include in the contract file a written statement setting forth the facts, which led to the selection of a method of construction contracting management for each project. [63G-6a-1302](#)
3. Architects and Engineers
 - a. A licensed architect or engineer shall prepare the plans and specifications for the construction or alteration of school buildings.
 - b. The selection of an architect or engineer shall follow the most recent adoption of the [Utah Procurement Code](#) and Utah Office of Education rules and requirements.
 - c. Architect and engineering services estimated to be under \$80,000 will be selected from a prequalified pool of firms to provide design services.
 - d. Architect services estimated to be \$80,000 and above must be approved by the Board of Education. Contracts may be signed by the Business Administrator after a project has been approved by the Board, as all fees are negotiated between the Timpanogos Academy and the architect, since the final dollar amount of the contract is often undetermined and based upon a percentage of the construction bid price.
4. Limited Compliance with Local Zoning Ordinances
The Timpanogos Academy shall comply with local zoning and land use ordinances except as follows:
 - a. The Timpanogos Academy is not required to comply with a local municipality or county regarding its land use or zoning ordinances with respect to:
 - i. Landscaping;
 - ii. Fencing;
 - iii. Aesthetic considerations;
 - iv. Construction methods or materials;
 - v. Building codes;
 - vi. Building use for educational services; or

- vii. Use or construction of temporary class rooms on school property.
 - b. The Timpanogos Academy, at its discretion, is not required to participate in the cost of any study or construction of any sidewalk unless:
 - i. The sidewalk is necessary for the safety of school children; or
 - ii. The sidewalk is on or contiguous to school property.
 - c. The Timpanogos Academy is not required to participate in the cost of any study or construction of any roadway unless the roadway is necessary to connect an otherwise isolated school site to an existing roadway.
 - d. The Timpanogos Academy shall not pay fees to either the county or a local municipality unless:
 - i. The Timpanogos Academy has elected not to provide its own inspectors to inspect school construction or otherwise fails to provide for inspections; in such case, the Timpanogos Academy must pay local municipal inspection fees;
 - ii. The fee relates to an impact fee for an improvement project that is reasonably related to the impact of the Timpanogos Academy's project upon the need that the improvement is to address; or
 - iii. The cost imposed is necessary to avoid unreasonable risks to health or safety.
 - e. The Timpanogos Academy shall provide its own inspectors to inspect school Timpanogos Academy construction whenever possible.
- 5. Change Orders
 - a. Under a construction contract, any change order which increases the contract amount shall be subject to prior written certification that the change order is within the determined project or contract budget. The certification shall be made by the Administrator of Auxiliary Services. The change order shall be signed by the Business Administrator.
 - b. If the certification discloses a resulting increase in the total project or contract budget, the Business Administrator shall not execute or make the change order unless sufficient funds are available for the scope of the project or the contract is adjusted to permit the degree of completion feasible within the total project or contract budget as it existed prior to the change order under consideration. [63G-6a-1207](#)
 - c. To assure that construction work proceeds without interruption, the Administrator of Auxiliary Services is authorized to approve change orders up to \$20,000 without prior approval, if the change order is within the budget.

E. Protests and Remedies

The following provisions apply to all competitive bids or competitive requests for proposals, including construction procurement.

1. Protest Officer

The Director of Purchasing is designated as the protest officer for the Timpanogos Academy, and as such will follow requirements outlined in [63G-6a-1603](#) and the rules defined in the [Utah Administrative Code section R33-16](#).

2. Submitted in Writing

- a. Any actual or prospective bidder offer or contractor who is aggrieved in connection with the solicitation or award of the contract may protest to the Director of Purchasing.
- b. A protest with respect to a standard procurement shall be submitted in writing prior to the opening of bids or the closing date for proposals unless the aggrieved person did not know or should not have known of the facts giving rise to the protest prior to bid opening or the closing date for proposals.
- c. The protest shall be submitted in writing within seven (7) calendar days after the aggrieved person knows or should have known of the facts giving rise to the protest.
- d. The Director has the authority, prior to the commencement of an action in court concerning the controversy, to settle and resolve the protest.
- e. Failure to submit a timely protest shall constitute a waiver of such right. [63G-6a-1602](#)

3. Stay of Proceedings

In the event of a timely protest, the Department shall not proceed further with the solicitation or with the award of the contract until all administrative and judicial remedies have been exhausted or until the Director makes a written determination that the award of the contract without delay is necessary to protect substantial interests of the Timpanogos Academy.

4. Appeal of Decision

Under provisions outlined in [63G-6a-1702](#), any person that has successfully submitted a protest under the above requirements may appeal to the Utah State Procurement Policy Board if a decision made by the protest officer is not in their favor.

F. Conflict of Interest as Applied to Purchasing

1. Definition

- a. For purposes of this policy, a conflict of interest exists when any employee puts his/her interest or the interests of some other individual(s) or entity ahead of or in opposition to the interests of the School Timpanogos Academy.
- b. Employees must avoid all situations that create even the appearance of a conflict of interest.

2. Conflict of interest restrictions shall apply to all members of the Board of Education, Officers of the Board, Administrators of Schools, school and Timpanogos Academy-level administration or any employee of the Timpanogos Academy.
 3. No one who has a financial or other interest in the transaction shall participate in the selection, award, or administration of a contract or purchase agreement.
 4. Employees of the Timpanogos Academy shall comply with and be subject to [Part 24 of the Utah Procurement Code](#), titled “Unlawful Conduct and Penalties.”
 5. Knowing and willful violation of the conflict of interest policy by Timpanogos Academy employees is cause for personnel action and, in accordance with due process procedures, may result in termination.
- G. **Purchasing Cards**
- The purpose of the purchasing card is to establish a more efficient, cost-effective method of purchasing and payment for small-dollar transactions. The purchasing card is designed to replace a variety of processes including petty cash, NPOs, small dollar purchase orders and certain open purchase orders.
1. Only designated employees may, in the process of conducting Timpanogos Academy business, use the Timpanogos Academy’s authorized purchasing cards for purchases in strict accordance with the Timpanogos Academy’s purchasing card policies and procedures as found in the Timpanogos Academy’s [Financial Accounting Manual](#).
 2. Purchasing cards have a single transaction limit of \$5,000 unless a greater limit has been pre-approved by the Department.
 3. Card usage will be audited regularly.

Procurement of Classroom Furniture and Instructional Equipment for New Schools

I. **Board Directive**

Acknowledging that physical facilities do affect the learning environment, the Board is interested in the procurement of classroom furniture and equipment that will enable administrators and teachers to conduct effective instructional programs. In so doing, the Board charges the Administration with the following responsibilities:

- A. Working within established budget limits
- B. Striving for economy
- C. Obtaining a balance between quantity and quality
- D. Achieving efficiency and effectiveness in the process of equipping schools.

II. **Administrative Policy**

The responsibility for preparing standard lists, developing specifications, arranging displays, and recommending for purchase the classroom furniture and instructional equipment for new schools is delegated to the Purchasing Department.

- A. The Business Office shall:

1. Prepare and maintain standard lists of equipment which will reflect adequate school planning and curriculum requirements.
 2. Prepare and follow procedures that will allow opportunities for equipment firms to display and to discuss furniture and equipment.
 3. Work to retain a reasonable balance of furniture and equipment in all schools, ensuring all students have similar educational opportunities.
 4. Submit recommended lists of furniture and equipment to the Area Administrators of Schools for approval.
- B. The success of instructional programs is dependent upon many factors and conditions among the most important of which are the following:
1. Well-trained teachers
 2. A variety of teaching approaches
 3. A balanced curriculum
 4. Quality teaching supplies
 5. Adequate facilities and equipment
 6. Proper classroom furniture, technology, and instructional aids, and equipment
- C. To provide the proper and necessary classroom and instructional equipment for new schools, administrators, instructional staff members, and teachers should collaborate with members of the Information Services, Custodial and Purchasing Departments. In a team effort, members of the Timpanogos Academy Administration and local school administrators have the primary responsibility to identify materials needed in schools, and members of the Business Office have the primary responsibility to procure the designated furniture and equipment items.
- D. As an administrative team, leaders of Timpanogos Academy Administration, local school administration, Business Services and the Business Office shall:
1. Work within established budget limits
 2. Strive for economy
 3. Obtain a balance between quantity and quality
 4. Achieve efficiency and effectiveness in the process of equipping schools.
- E. Classroom Furniture
1. Classroom furniture shall include the standard furniture pieces which are common to all schools. These include the basic classroom tables, chairs, teacher desks, computers, audio-visual equipment, auditorium seats, and floor covering.
 2. The Area Administrators of Schools, department administrators, and school principals shall prepare and maintain lists of standard classroom furniture.
 3. The Administrator of Auxiliary Services, working with the Directors of Facility Services, Custodial and Energy Services, and Information Systems shall conduct periodic technical evaluations of classroom furniture used in the various schools and make recommendations for changes in the standard lists.
 4. The Business Office shall:

- a. Notify business firms of furniture bids and arrange necessary exhibits.
 - b. Work with the school principal, Directors of Facility Services, Custodial and Energy Services, Information Systems, and the Area Administrators of Schools in examining exhibit pieces and preparing recommendations for purchase.
 - c. The Business Office shall prepare specific recommendations reflecting the choices agreed upon by collaborating with teachers, instructional staff members, principals, and department directors for furniture and equipment required of all newly constructed schools and submit these recommendations to the Area Administrators of Schools for approval.
- F. Instructional Equipment
1. The Purchasing Department, in collaboration with department administrators, shall prepare and maintain lists of instructional equipment to be used in all new schools.
 2. The instructional staff members (directors, consultants, and coordinators) and the Business Office shall work with sales representatives in reviewing materials and obtaining information regarding cost and supporting data.
 3. The school principals, working with the instructional staff members, shall submit requisitions to the Area Administrators of Schools for desired equipment items.
 4. The Area Administrators of Schools shall review and approve the requisitions and submit the recommendations to the Business Office for processing.
- G. Bids and Price Quotations on Classroom Furniture and Instructional Equipment
1. When appropriate, state cooperative contracts may be used to procure classroom furniture and instructional equipment. If pricing, terms, or timelines of delivery offered under a state cooperative contract are found not to be in the best interest of the Timpanogos Academy, then requests for proposal, bids or quotations will be solicited by the Purchasing Department.
 2. All solicitations for classroom furniture and instructional equipment shall be made by the Purchasing Department. Results and analysis from the solicitation shall be furnished to those responsible for making decisions on furniture or recommendations for choices of specific classroom furniture.
 3. Procurement of instructional equipment shall comply with the following procedure:
 - a. The Business Office shall solicit price quotations or bids on various types of equipment for school use. This information shall be made available to those responsible for making specific choices of equipment.
 - b. Where there is no difference in the quality or service of specific items, the Business Office shall be responsible to see that the lowest bid or quotation is accepted.

- c. Where price quotations on similar pieces of equipment are different, local school administrators shall be consulted in making choices of specific items.

B101 – Inventories

I. **Board Policy**

The Board recognizes the need for adequate inventories to be available in each operation of the school program. The Board holds the Administration responsible for acquiring and safeguarding inventories.

II. **Administration Policy**

The Administration delegates the responsibility of acquiring inventories to the Division of Business Services, and the responsibility of safeguarding, using and reporting inventories to the school principals and various department directors.

Guidelines

A. School Supply Inventory

1. The storeroom clerk shall be responsible for requisitioning items of school supply for the storeroom.
2. The purchasing clerk shall be responsible for acquiring the necessary school supplies at the best possible prices.
3. The storeroom clerk shall be responsible for inventories while stored in the warehouse and also for supplying these items on proper requisition. Current price lists of storeroom school supplies shall be furnished principals at the beginning of the school term.
4. The principal shall be responsible for safeguarding the school supplies in the school and for making equitable distribution of supplies among faculty members and programs.

B. Janitorial and Maintenance Supply Inventories.

1. The Director of Maintenance shall be responsible for safeguarding these inventories while they are stored in the warehouse. The inventories shall be distributed to schools and projects upon receipt of proper requisition from school principals and department directors.
2. The purchasing clerk, after consultation with the Timpanogos Academy director, shall be responsible for acquiring items of supply, to be stored at the warehouse and used on various projects.
3. The warehouse secretary shall be responsible for the processing of requisitions, for supplies, and for maintaining appropriate records relative to inventory items shipped from the warehouse.

