

# DEFERRED

04-0728-RU2

July 28, 2004

**AMEND BOARD RULES 2-5, 2-5.1, 2-27, 5-4, 5-4.1,  
5-5, 5-6, 5-7, 5-8, 5-9, 5-13.1, 5-21, 5-22 AND 5-29**  
**AND REPEAL BOARD RULES 5-10.2, 5-11, 5-14 AND 5-20**

The General Counsel recommends amending the following Board Rules:

- 2-5 President and Secretary to Execute Leases and Contracts
- 2-5.1 Required Contracts
- 2-27 Delegation of Board Authority
- 5-4 Bid Policy
- 5-4.1 Requests for Bids, Proposals, and/or Qualifications
- 5-5 Contract and Bond Method of Awarding Contracts
- 5-6 Deposits, Bid Bonds, Performance Bonds
- 5-7 Bid Procedure for Level One Solicitations
- 5-8 Schedule of Bids/Proposals for Level One Solicitations
- 5-9 Rejection of Bids/Proposals
- 5-13.1 Purchase of Instructional Materials, Equipment and Supplies
- 5-21 Bonding of Lunchroom Managers - Insurance of Lunchroom Funds
- 5-22 Sale of Refreshments at Stadia
- 5-29 Grants, Gifts, Donations

The General Counsel recommends repealing the following Board Rules:

- 5-10.2 Expenditures - Pre-Qualified Vendors
- 5-11 Fuel
- 5-14 Building Contracts and Payments
- 5-20 Lunchroom Supplies

The amended Board Rules and repealed Board Rules recommended herein shall be effective September 1, 2004.

Approved:

  
Ruth M. Moscovitch  
General Counsel 

**Sec. 2-5. President and Secretary to Execute Leases and Contracts.** Except as otherwise provided in these Rules, the President and Secretary of the Board of Education shall sign and execute all contracts duly authorized by order, resolution, or direction of the Board of Education and shall sign and execute leases of school property or property required for school purposes duly authorized by order, resolution, or direction of the Board of Education, and which have been ~~certified by the General Superintendent of Schools and approved as to legal form by the Attorney General Counsel.~~ The Board may, at its discretion, authorize and designate a signatory for leases and contracts under certain specified dollar amounts and for ancillary documents that serve to administer or effectuate a contract or lease. In the case of absence, disability or refusal of the President to sign and execute any contract or lease, the contract or lease may be executed by any member of the Board. When so signed, executed, and approved, such contracts and leases shall be deemed to be duly executed by the Board of Education. (Amended 03-23-94; 01-24-96; 06-23-99; 07-28-04)

**Sec. 2-5.1. Required Contracts.** Except as otherwise provided in these Rules, all expenditures for apparatus, equipment, supplies, services, repairs, goods, wares, materials, work and merchandise of any kind or description, exceeding \$10,000 which must be awarded through the competitive bid solicitation process pursuant to Board Rule 5-4 ("Biddable Items"), and for those expenditures for supplies, materials, non-personal services, personal and consulting services or other work exceeding \$25,000 which are not required to be awarded through the competitive bid solicitation process pursuant to Board Rule 5-4 ("Non-biddable Items"), either individually or collectively for consecutive purchases from the same vendor/service provider of the same item or service by the same user department/school, and all other transactional matters requiring contracts, leases, licenses or intergovernmental agreements shall be evidenced by a written contract document approved as to legal form by the General Counsel and signed by the Board, or other officers as specified in Section 2-27 of these Rules, and the other party. Further, ~~all real property leases regardless of Dollar amount and all intergovernmental agreements must be evidenced by a written agreement approved as to legal form by the General Counsel and signed by the Board and the other party. For all expenditures not requiring a written contract, a purchase order must be generated with sufficient scope of services, description of deliverables and compensation information to justify the expenditure.~~

No goods or materials, apparatus, equipment, supplies, wares of merchandise may be received, nor may services, repairs, or work commence nor leaseholds created, nor may payments be made regarding any of the foregoing prior to executive execution of a written contract document for same in accordance with Board Rule 2-5. (Adopted 06-23-99; Amended 07-28-99; 09-26-01, 07-28-04)

**Sec. 2-27. Delegation of Board Authority.**

a. Pursuant to Public Acts 86-0124 and 89-15, the Board hereby delegates to ~~the General Superintendent of Schools, the Chief Executive Officer, the Chief Operations Operating Officer, the Chief Education Officer, the Chief Purchasing Officer, the Chief Fiscal Officer, the Chief Financial Officer and the General Counsel, respectively,~~ the authority to act regarding those matters over which they have charge and control, with the ~~exception of the items delineated in paragraphs 2 and 3 of this Rule.~~ Decisions of these persons on each such matter shall be included on the agenda of each Board meeting and shall be final until the Board by a majority vote decides to act upon the matter by a vote of the Board, or unless the Board takes some other action pursuant following exceptions.

- 1) Budget approval obligations;
- 2) Rule-making functions;
- 3) Desegregation obligations;
- 4) Real Estate acquisitions or sales;
- 5) Real Property leases in excess of 10 years;
- 6) Tax levies;
- 7) Mandates imposed upon the Board by "An Act in Relation to School Reform..." (P.A. 86-1477);

- 8) Personnel actions outlined in Section 4-49 of these Board Rules; and
- 9) Dismissal of tenured teachers, principals and regularly appointed personnel whose appointments have become permanent, and teacher warning resolutions (Dismissals of tenured teachers and principals shall be made pursuant to Section 34-85 of the Illinois School Code.

b. Decisions made by the above stated officers shall be submitted to the Board Rules. Decisions of these persons shall be in the form of Board Reports, and shall be accompanied, where appropriate, by statements which shall disclose any and all relevant information, including sufficient background information to fully inform the Board regarding a particular matter. These and all such decisions shall not be legally effective and action shall not be taken upon them, pending presentation to and acquiescence by the Board, as described in this paragraph, until the Board approves such action; except, however, the Board hereby delegates to the following officers the authority to perform the specific duties stated below in addition to any other duties so delegated within these Rules, without submitting Board Reports and without Board approval:

As provided in Public Act 86-0124, the following authorities are not delegated to the General Superintendent of Schools, the Chief Executive Officer, the Chief Operating Officer, the Chief Education Officer, the Chief Purchasing Officer, the Chief Fiscal Officer or to the General Counsel:

- (a) Budget approval obligations;
  - (b) rule-making functions;
  - (c) desegregation obligations;
  - (d) real estate acquisition, sale, or lease in excess of 10 years as provided in Section 5/34-21 of the School Code;
  - (e) the levy of taxes;
  - (f) any mandates imposed upon the Board of Education by "An Act in Relation to School Reform..." (P.A. 86-1477)
- And in addition to the foregoing:
- (g) personnel actions as outlined in Section 4-49 of these "Board Rules."

In addition to the exceptions stated in public Act 86-0124, Board approval is necessary for dismissal of tenured teachers, principals and regularly appointed personnel whose appointments have become permanent and for teacher warning resolutions. Dismissals of tenured teachers and principals are to be made pursuant to Section 34-85 of The School Code of Illinois.

All applicable statutory requirements that pertain to the matters herein delegated, such as competitive bidding laws, must be complied with, and all actions taken by the General Superintendent, the Chief Executive Officer, the Chief Operating Officer, the Chief Education Officer, the Chief Purchasing Officer, the Chief Fiscal Officer and the General Counsel must be within approved budget appropriations.

1) The Chief Executive Officer has the authority to authorize and execute any and all intergovernmental agreements and other miscellaneous types of agreements that have no financial impact on the Board, subject to approval as to legal form by the General Counsel.

2) The Chief Operating Officer has the authority to authorize and execute any and all real property leases/licenses where the Board is the landlord/licensor, with a term less than 10 years, regardless of the dollar amount, subject to approval as to legal form by the General Counsel (except for leases/licenses at 125 S. Clark Street, Chicago, Illinois, which require prior Board approval); and has the authority to authorize and execute all real property leases/licenses where the Board is the tenant/licensee, with a term less than 10 years, and the dollar amount of the lease/license is \$75,000 or under for the term of the lease/license, subject to approval as to legal form by the General Counsel.

3) The Chief Education Officer has the authority to authorize and execute any and all educational and/or programmatic agreements, including payment of tuition, that have a financial impact on the Board between \$25,001 and \$75,000, subject to approval as to legal form by the General Counsel.

4) The Chief Financial Officer has the authority to accept any and all grants, donations and gifts of any dollar amount, to refund any unspent dollars from grants, donations or gifts, and to execute any and all grant, donation or gift acceptance agreements required by any grantor, donor or giftor, subject to approval as to legal form by the General Counsel.

5) The Chief Purchasing Officer has the authority to authorize and execute any and all of the following purchasing agreements, provided such purchases are made in accordance with the Board Rules set forth in Chapter V:

- a) Non-biddable Items (as defined in Section 5-4) between \$25,001 and \$75,000;
- b) Options to renew and/or mutually agreed to renewals of Non-biddable Items between \$25,001 and \$75,000;
- c) Amendments to Contracts for Non-Biddable Items, of any dollar amount, that have no financial implications; and
- d) Amendments to Contracts for Non-Biddable Items \$75,000 and under with financial implications that do not increase the original contract dollar amount in excess of \$75,000.

All of the above are subject to approval as to legal form by the General Counsel.

6) The General Counsel has the authority to authorize and execute any and all agreements and documents regarding access and right of entry to property, zoning, taxes and other governmental petitions and requests, and other legal matters having no direct financial impact on the Board.

c. For all of the actions authorized and taken above, the respective officer shall submit to the Board an informative Board Report indicating the actions authorized and taken by the officer on a monthly basis. For grants, gifts and donations and refunds of same, the Chief Financial Officer shall report to the Board on a monthly basis all grants, gifts and donations received in excess of \$50,000, and all refunds of unspent grants, gifts or donations in excess of \$5,000.

d. All of the actions/purchases authorized and taken above shall only be for matters that are presented timely to such officer for future action/purchase. Any and all requests for ratification of an action/purchase already taken which are required to have prior Board approval and/or approval from the respective officers, shall be submitted to the Board for approval or denial, regardless of the dollar amount. (Adopted 03-27-91; Amended 03-23-94; 10-25-95; 01-24-96; 02-23-00; 07-26-00; 07-28-04)

#### **Sec. 5-4. Bid Policy.**

a. All contracts for supplies, materials or work involving an expenditure in excess of \$10,000.00 shall be ~~award~~ awarded through the recommendations of the Chief Purchasing Officer in ~~accord~~ accordance with the precepts of formal sealed competitive bids to the lowest, responsive, responsible bidder considering conformity with specifications, terms of delivery, quality and serviceability after due advertisement, ~~except as follows:~~ all such materials and work shall hereinafter be deemed "Biddable Items".

b. The following types of contracts are not required to be awarded by formal sealed bid (all such materials and work shall hereinafter be deemed "Non-biddable Items"):

i) contracts which by their nature are not adapted to award by competitive bidding, such as contracts for the services of individuals possessing a high degree of professional skill where the ability or fitness of the individual plays an important part;

ii) contracts for the printing or engraving of bonds, tax warrants and other evidences of indebtedness;

iii) contracts for utility services such as water, light, heat, telephone or telegraph;

iv) contracts for the purchase of perishable foods and perishable beverages;

v) contracts for materials and work which have been awarded to the lowest responsible bidder after due advertisement, but due to unforeseen revisions, not the fault of the contractor for materials and work, must be revised causing expenditures not in excess of \$10,000 or 10% of the contract price, whichever is less;

vi) contracts for the maintenance or servicing of, or provision of repair parts for, equipment which are made with the manufacturer or authorized service agent of that equipment where the provision of parts, maintenance, or servicing can best be performed by the manufacturer or authorized service agent;

vii) purchases and contracts for the use, purchase, delivery, movement, or installation of data processing equipment, software, or services and telecommunications and interconnect equipment, software, and services;

viii) contracts for duplicating machines and supplies;

ix) contracts for the purchases of natural gas when the cost is less than that offered by a public utility;

x) purchases of equipment previously owned by some entity other than the district itself;

xi) contracts for repair, maintenance, remodeling, renovation, or construction, or a single project involving an expenditure not to exceed \$20,000 and not involving a change or increase in the size, type, or extent of an existing facility;

xii) contracts for goods or services procured from another governmental agency;

xiii) contracts for goods and services which are economically procurable from only one source, such as the purchase of magazines, books, periodicals, pamphlets and reports, and

xiv) except where funds are expended in an emergency and such emergency expenditure is approved by ~~3/4 of the Members of the Board. However, the requirements of this section shall not apply when, subsequently approved by 1/2 of the members of the Board.~~ An emergency shall be determined in the judgment of the General Superintendent of Schools Chief Executive Officer or the Chief Purchasing Officer when it is necessary to make repairs and alterations, and purchases of purchase equipment and, services or supplies as a result of an unforeseen combination of circumstances which call for immediate action as a result of fire, accident, threat to the safety, security or well being of students or staff, or other conditions and such action is necessary to protect the property of the Board of Education or the occupants of the its buildings, or to prevent interference with school sessions or to protect the safety, security or well being of students and staff. Such expenditures shall be charged to the proper fund and account by the General Superintendent of Schools or the Chief Purchasing Officer. (Amended 12-27-67; 09-28-79; 10-28-81; 11-19-86; 3-24-94; 01-24-96; 6-23-99; 07-28-04)

~~Sec. 5-4.1. Request for Bids, Proposals and/or Qualifications. All contracts in excess of \$25,000 for supplies, materials, non-personal services, personal and consulting services or other work, which are not required to be awarded through the competitive Bid Solicitation process pursuant to Board Rule 5-4, except as to emergency expenditures described thereunder and purchases for which the Chief Purchasing Officer has determined only a sole supplier exists, are subject to public solicitation and award through public canvassing of Requests for Proposals or Requests for Qualifications.~~

~~The Chief Purchasing Officer shall determine and specify circumstances and conditions where it may be in the best interest of the Board to establish a pre-qualified "pool" of responsible vendors, suppliers, consultants and contractors through the public canvassing of Requests for Qualifications. The Chief Purchasing Officer shall further establish requirements regarding the use and/or hiring of any and all pre-qualified vendors, suppliers, consultants and/or contractors.~~

~~The public canvassing of Solicitations of Bids, Requests for Proposals and/or Qualifications for contracts and purchases shall be authorized and managed by the Chief Purchasing Officer and shall be approved as to legal form by the General Counsel prior to public canvassing. The Chief Purchasing Officer shall establish requirements regarding the publication of any and all Solicitations of Bids, Requests for Proposals and/or Qualifications for contracts and purchases. (Adopted 06-23-99; Amended 09-26-01)~~

a. The public canvassing of solicitations of bids, requests for proposals and qualifications for contracts and purchases shall be authorized and managed by the Chief Purchasing Officer. All bid solicitations, which convert to binding contracts upon execution, shall be approved as to legal form by the General Counsel prior to the publication of such solicitation. The Chief Purchasing Officer shall establish requirements regarding the publication of any and all solicitations of bids, and requests for proposals and qualifications.

b. All purchases for Biddable Items and Non-biddable Items shall be awarded pursuant to a competitive process in accordance with the following procedures:

1) Level One: All Biddable Items \$10,001 and above and all Non-biddable Items \$250,001 and above shall be awarded pursuant to a duly advertised bid solicitation, request for proposals, request for qualifications or any other such form of solicitation as the Chief Purchasing Officer so deems appropriate, in accordance with the precepts of formal sealed bids/responses to the lowest, responsive responsible bidder/proposer, considering conformity with specifications and terms of delivery, quality and serviceability;

2) Level Two: All Non-biddable Items between \$75,001 and \$250,000 shall be awarded pursuant to a process whereby at least three(3) written proposals with price quotes are submitted to and evaluated by the Chief Purchasing Officer and are awarded to the most responsible and responsive proposer with competitive pricing; or

3) Level Three: All Non-biddable Items between \$25,001 and \$75,000 shall be awarded pursuant to a process whereby at least three price quotations (written or verbal) are submitted to and evaluated by the Chief Purchasing Officer and awarded to the most responsible and responsive proposer with competitive pricing. (Adopted 06-23-99; Amended 09-26-01; 07-28-04)

~~Sec. 5-5. Contract and Bond Method of Awarding Contracts. Contracts shall be awarded to the lowest responsible bidder upon the recommendation of the Chief Purchasing Officer. No person or business entity shall be awarded a contract if that person or business entity has been convicted of bribery or attempting to bribe a public officer or employee of the Board of Education of the City of Chicago, the State of Illinois, or any other public entity, in that officer or employee's official capacity; nor has been convicted of agreement or collusion among bidders or prospective bidders in restraint of freedom of competition by agreement to bid a fixed price, or otherwise; or has made an admission of guilt of such conduct described above which is a matter of record but has not been prosecuted for such conduct.~~

Ineligibility under this section shall continue for three years following such conviction or admission. For purposes of this section, where an official, agent or employee of a business entity has committed such conduct described above on behalf of such an entity and pursuant to the direction or authorization of a responsible official thereof, the business entity shall be chargeable with the conduct.

Note: The following double redlined section is repealed.

~~{Double redlined section suspended 08-28-96}~~

~~Unless otherwise prohibited by law, in contracts involving \$10,000.00 or more, a 2% local business preference shall be applied in determining the successful bidder. The Chief Purchasing Officer shall, in the purchase of all supplies, materials or work by competitive sealed bidding, accept the lowest bid price from a responsible local business, provided that the bid does not exceed the lowest bid price from a responsible non local business by more than two percent (2%). A "local" business is a business authorized to do and doing business under the laws of the City of Chicago, located within the corporate limits of the City of Chicago, which has the majority of its regular, full time work force located within the City, and which is subject to the City of Chicago taxes. Notwithstanding the 2% local business preference if the lowest responsible bidders both remain equal the successful bidder shall be determined by the bidder whose product is manufactured in Illinois. When among lowest responsible bidders two or more offer a product manufactured in Illinois, the successful bidder shall be determined by the bidder offering a product manufactured in Chicago. When there are no bidders offering a product manufactured in Chicago, or in a locality in Illinois outside Chicago, When the bids of the lowest responsible bidders are equal, the successful bidder shall be determined by the date and time of receipt of the bid specification document in the office of the Chief Purchasing Officer. (Amended 01-24-96; 08-28-96)~~

~~When the bids of the lowest responsible bidders are equal, the successful bidder shall be determined by the date and time of receipt of the bid specification document in the office of the Chief Purchasing Officer. (Amended 01-24-96; 08-28-96)~~

~~A written contract shall be executed and, when directed by the Board of Education, a bond in an amount sufficient to insure fulfillment of such contract shall be executed by the successful bidder. Such bond to be signed by any responsible surety company approved by the Chief Fiscal Officer or designee and licensed to do business in the State of Illinois. No contract shall be deemed executed or bond accepted until its legal form has been first approved by the General Counsel. (Amended 01-24-96; 02-23-00)~~

~~A written contract executed in accordance with the Board Rules shall not be required where the purchase of merchandise is to be made in the open market, no labor is required on the Board premises, and no payment is to be made until delivery and approval of the merchandise or service. (Amended 11-15-78; 09-28-79; 01-24-96) (Amended 11-15-78; 09-28-79; 01-24-96; 08-28-96; 02-23-00; 07-28-04)~~

**Sec. 5-6. Deposits, Bid Bonds, Performance Bonds.** ~~Bid deposits shall not be required when the total of the bid proposals is \$10,000.00 or less, except when required in the discretion of the Chief Purchasing Officer. When a bid deposit shall be required, it shall be so stated in the Solicitation of Bids and Request for Proposals and/or Qualifications and the deposit shall be in a reasonable amount but not in excess of 5% of the total bid proposal. (Amended 11-18-87; 07-31-91; 01-24-96)~~

~~The deposit when required, shall be in the form of money order, United States Government bonds, certified check drawn upon some banking institution in good standing and made payable to the order of the Board of Education of the City of Chicago, or a specific bond, or a letter of credit. (Amended 01-24-96)~~

~~In lieu of submitting the deposit as herein above provided, a bidder may file with the Board of Education an annual bid bond, the amount of which shall be determined by the Chief Purchasing Officer and the form approved by the Attorney, provided, however, an annual bid bond shall not be accepted on construction work, alterations, and repairs to buildings and grounds. Such bid bond shall in no case be~~

~~less than \$10,000.00, and shall cover all bid proposals submitted by such bidder during the period of the bond. (Amended 11-18-87; 07-31-91; 01-24-96)~~

~~All bid bonds shall be signed by any responsible surety company licensed to do business in the State of Illinois.~~

~~No proposal requiring a bid deposit shall be considered unless it is accompanied by the proper deposit or an approved annual bid bond is on file, as herein above provided.~~

~~All deposits accompanying a proposal except that of the successful bidder, shall be refunded or returned after the successful bidder has been determined.~~

~~A performance bond shall be required for all building construction and building repair work, annual purchases of fuel, and children's transportation services. A performance bond may, in the discretion of the Chief Purchasing Officer also be required for purchases of furniture, apparatus of equipment from one bidder totaling \$25,000.00 or more. A blanket performance bond may be filed by a contractor to cover and insure performance of contracts for installation and repair jobs of which exceed \$1,000.00 provided, however, that no such single bond shall cover more than a total of \$25,000.00 of such contracts. A performance bond shall also be required on all other purchases or contracts when specified by the Chief Purchasing Officer. In lieu of a performance bond a successful bidder may submit a cashier's check or certified check equal to the requirements of the performance bond. (Amended 07-31-91; 01-24-96)~~

~~When a performance bond is required, it shall be stated in the Solicitation of Bids and Request for Proposals and/or Qualifications and the bond required shall be in amount sufficient to insure the fulfillment of the contract of the successful bidder. Such bond shall be signed by any responsible surety company licensed to do business in the State of Illinois. (Amended 01-24-96)~~

~~The successful bidder's deposit shall be refunded or returned upon the bidder's acceptance of the purchase order and upon the execution and delivery of a performance bond if such is required. (Amended 05-13-70; 01-24-96)~~

~~In case of a failure or refusal on the part of a bidder, whose proposal has been accepted, to accept a purchase order issued pursuant thereto, or to execute a contract and performance bond when required, within 10 days from the date of written notice to do so, the deposit of the bidder so failing or refusing may be forfeited and retained by the Board of Education as liquidated damages and not as a penalty or, when a bid bond has been furnished in lieu of a deposit, the Board of Education may take action on the bond. (Amended 05-13-70)~~

~~An unconditional and irrevocable letter of credit addressed to the Board of Education of the City of Chicago in the amount required hereunder, or by the specifications of any solicitation of bids along with an undated draft payable to the Board of Education of the City of Chicago in the amount required, and a letter authorizing the dating and presentment of said documents in the sole discretion of the Board of Education may be supplied in any instance where a surety bond would be required, except in those instances where a surety bond is now or shall in the future be required by law or other cause which requirement and cause shall be recited in the solicitation of bids or request for proposal. (Adopted 03-26-86; 11-19-86)~~

a. When a bid deposit shall be required, it shall be so stated in the solicitation of bids, and the deposit shall be in a reasonable amount but not in excess of 5% of the total bid amount proposed. The bid deposit, when required, may be in the form of a money order, certified check drawn upon a banking institution in good standing and made payable to the order of the Board, a specific bond, or a letter of credit. In lieu of submitting the bid deposit as herein above provided, a bidder may file with the Board an annual bid bond, the amount of which shall be determined by the Chief Purchasing Officer; provided, however, an annual bid bond shall not be accepted on bids for construction work, alterations, repairs to buildings and grounds, and student transportation matters. Such annual bid bond shall in no



case be less than \$10,000.00, and shall cover all bids submitted by such bidder during the period of the bond. All bid bonds shall be signed by a responsible surety company licensed to do business in the State of Illinois

b. All bid deposits accompanying a bid solicitation, except that of the successful bidder, shall be refunded or returned after the successful bidder has been determined and a contract has been awarded by the Board. The bid deposit of the successful bidder shall be returned after the full execution of the contract and the tendering of any performance bond required under the contract. In case of a failure or refusal on the part of the selected bidder to execute a contract and tender a performance bond, if required, within a reasonable period of time as determined by the Chief Purchasing Officer, the deposit of the selected bidder so failing or refusing may be forfeited and retained by the Board as liquidated damages and not as a penalty – or, when a bid bond has been furnished in lieu of a deposit, the Board may take action on the bond.

c. A performance bond shall be required for all building construction and building and grounds repair work, and student transportation matters. A performance bond may also be required on any other purchases or contracts when specified by the Chief Purchasing Officer. When a performance bond is required, it shall be stated in the solicitation of bids and requests for proposals and/or qualifications and the bond required shall be in an amount sufficient to insure the fulfillment of the contract of the successful bidder/proposer. Such bond shall be signed by a responsible surety company licensed to do business in the State of Illinois. (Amended 05-13-70; 03-26-86; 11-19-86; 11-18-87; 07-31-91; 01-24-96; 07-28-04)

**Sec. 5-7. Bid Procedure for Level One Solicitations.** Except as may otherwise be provided by the Board, when ~~formal bids~~ Level One solicitations are taken, as many ~~bids~~ bids/proposals shall be secured as practicable, basing the solicitation upon a list of prospective ~~bidders~~ bidders/proposers that are qualified to provide supplies, materials ~~er,~~ work or services. At least one public notice is to be made at least 10 days before the ~~bid~~ due date in a newspaper published in the district and shall simultaneously be posted on a readily accessible bulletin board in the Office of the Chief Purchasing Officer. Each ~~bidder~~ bidder/proposer receiving a copy of the solicitation must receive at least 3 days notice of the time and place of ~~such bid opening~~. All competitive bids for contracts involving an expenditure in excess of \$10,000 the opening of all such bids/proposals. All bids/proposals must be sealed by the ~~bidder~~ bidder/proposer and must be opened by the Chief Purchasing Officer or ~~designate~~ his/her designee at a public bid opening at which the contents of the ~~bids~~ bids/proposals must be announced. (Amended 01-24-96)

~~When the~~ If the stated ~~bid~~ bids/proposals opening day falls upon a holiday as established by the Rules of the Board of ~~Education~~, the time for receipt and opening of ~~bids~~ bids/proposals shall automatically be continued to the next following business day at the same hour. (Amended 02-28-68; 11-24-71; 10-28-81; 11-19-86; 01-24-96; 10-27-98; 07-28-04)

**Sec. 5-8. Schedule of Bids.** ~~When the bids~~ Bids/Proposals for Level One Solicitations. ~~Whenever the bids/proposals~~ When are scheduled, a copy of said schedule shall be posted in the ~~Bureau of Purchases~~ Office of the Chief Purchasing Officer not later than four days following the day on which ~~bids~~ bids/proposals are opened. A schedule of ~~bids~~ bids/proposals, certified by the Chief Purchasing Officer, shall also be forwarded to the Secretary of the Board of Education who shall file the same in a safe place and properly preserve them as part of the official records of the Board of Education. (Amended 03-23-94; 01-24-96; 07-28-04)

**Sec. 5-9. Rejection of Bids** Bids/Proposals. The Board of ~~Education~~ or the Chief Purchasing Officer shall have the right to reject any or all bids or proposals. (Amended 03-24-94; 01-24-96; 07-28-04)

**Sec. 5-13.1. Purchase of Instructional Materials, Equipment and Supplies.** To maximize autonomy and decision-making responsibility of local schools and their respective Local School Councils, local schools shall be authorized to recommend and direct the purchase for \$10,000 or less of instructional materials, equipment and supplies. The recommendation made by each Local School Council shall be implemented. The proposed purchase must be in accordance with generally applicable requirements approved by the ~~General Superintendent and/or the~~ Chief Purchasing Officer.

All such purchases of instructional materials, equipment and supplies shall be made only pursuant to a purchase order approved by the ~~General Superintendent or the~~ Chief Purchasing Officer.

The Chief Purchasing Officer or his/her designee shall prepare and circulate to local schools a list of pre-qualified vendors offering volume discounts and shall encourage the use of such vendors. Nevertheless, each principal and local school council shall retain the authority to recommend the purchase of instructional materials, equipment and supplies from any vendor, except for such materials, equipment and supplies that are subject to the Board's Strategic Sourcing Policy. (Amended 12-16-92; 03-23-94; 01-24-96; 07-28-04)

**Sec. 5-21. Bonding of Lunchroom Managers - Insurance of Lunchroom Funds.** The Director of Food Services and the lunchroom managers shall be bonded in amounts designated by the Chief Financial Operating Officer and approved by the Board of Education.

Burglary and robbery insurance shall be maintained to insure lunchroom funds. (Amended 03-24-94; 07-28-04)

**Sec. 5-22. Sale of Refreshments at Stadia.** Sale of refreshments at the stadia shall be under the charge and control of the Chief Financial Operating Officer. Proceeds from the sale of refreshments shall be credited to the Lunchroom Fund. (Amended 07-31-91, 03-24-94; 07-28-04)

~~**Sec. 5-29. Grants, Gifts, Donations.** The Board shall authorize the acceptance and expenditure of all grants and donations of money in excess of \$10,000 and the refund of such grant or donation money when the refund totals more than 10% of the original grant/donation sum. The Board shall authorize the acceptance of all gifts and donated equipment, goods, materials or services for which the value, either individually or collectively, exceeds \$10,000. (Adopted 06-23-99)~~

The Chief Financial Officer shall authorize the acceptance of all grants/gifts and donations and the refund of any grants/gifts or donations of money. The Chief Financial Officer shall provide to the Board a monthly report as to all such acceptances that exceed \$50,000 and as to all refunds that exceed \$5,000, including an explanation of all such refunds. (Adopted 06-23-99; Amended 07-28-04)