

# **Coral Community Charter Procurement Policy**

## **#4**

### **GENERAL**

All Coral Community Charter procurement transactions shall be conducted in a manner to provide, to the maximum extent practical, open and free competition, in accordance with the applicable provisions of the New Mexico Procurement Code, NMSA 1978 Section 13-1-28 to -199. The Coral Community Charter shall be alert to potential organizational conflicts of interest as well as noncompetitive practices among contractors that restrict or eliminate competition or otherwise restrain trade. In order to ensure objective contractor performance and eliminate unfair competitive advantage, contractors that develop or draft specifications, requirements, statements of work, and invitations for bids or requests for proposals shall be excluded from competing for procurements. Awards must be made to the bidder or offer whose bid or offer is responsive to the solicitation and is most advantageous to the recipient, price, quality and other factors considered. Solicitations shall clearly establish all requirements that the bidder or offer shall fulfill in order for the bid or offer to be evaluated by the recipient. Any and all bids or offers may be rejected when it is in the recipient's interest to do so.

- Coral Community Charter shall establish written procurement procedures that will follow the New Mexico Procurement Code. Such procedures shall ensure that—

- (1) The School's purchasing be done through a designated Purchasing Officer to avoid purchasing unnecessary items;

- (2) Where appropriate, an analysis is made of alternatives to determine which would be the most economical and practical procurement vehicle/solution for the School; and

- (3) Solicitations for goods and services where required provide for all of the following:

- (i) 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 which unduly restrict competition.

- (ii) Requirements which the bidder/offer must fulfill and all other factors to be used in evaluating bids or proposals.

- (iii) A description of technical requirements in terms of functions to be performed or performance required, including the range of acceptable characteristics or minimum acceptable standards where appropriate and practical.

- (iv) The specific features of brand name or equal descriptions that bidders are required to meet when these items are included in the solicitation.

(v) Preference, to the extent practicable and economically feasible, for products and services that conserves natural resources and protect the environment, and that are energy efficient, and/or that utilize New Mexico resident businesses.

(vi) Compliance with all New Mexico procurement laws and regulations applicable to charter schools. In accordance with the New Mexico Procurement Code, Coral Community Charter will provide for the fair and equitable treatment of all persons involved in public procurement, to take full advantage of the purchasing value of public funds and to provide safeguards for maintaining a procurement system of quality and integrity.

### **REQUIREMENTS FOR PURCHASING**

1. All School purchasing must be done through the School Purchasing Officer. The Governance Council (GC) assigns the Business Manager, pursuant to sections 22-5-4 and 13- 1-97 NMSA 1978, as the central purchasing agent.

2. The Business Manager will purchase, rent, lease, or otherwise acquire on behalf of the school all items of tangible personal property, services, or construction. All purchases will be strictly in accordance with the laws of the State of New Mexico and federal law in addition to applicable policies and procedures of the Board and State Public Education Department. The Business Manager will establish and maintain a manual of purchasing policies and procedures which shall be reviewed and approved by the GC as part of the school's financial policies and procedures.

3. The school allows for Purchase Orders of under \$5,000 to be processed without additional authorization unless otherwise restricted by funding source. Purchase Orders over \$5,000 are additionally reviewed by the Finance Committee.

4. All purchases must be approved by the Head Administrator. The request for purchase orders (requisitions) is the initial electronic document submitted to the school's Business office. Once approved by the Head Administrator the document is then assigned a purchase order number from the FMS and the amount is encumbered into the encumbrance ledger. The Purchase Order shall be initialed by the Head Administrator and a copy shall be given to the employee to order the requested item(s). The Business Manager will include a Non-Taxable Certificate for all purchases of tangible goods.

5. Purchases of goods less than \$5000.00 must be purchased at the best obtainable price. Purchases costing between \$5000 and \$20,000 must obtain three written or verbal quotes. A minimum of three (3) price quotes are required to be obtained via telephone, fax, internet query or in writing. Documentation including, but not limited to, the date, time, company, price, person quoting, model number etc., freight charges must be provided. Three quotes will not be required if the purchase is made from a state approved vendor or a purchasing cooperative such as Cooperative Educational Services. Purchases of goods between \$20,000 and \$60,000 require three written quotes. Purchases of goods greater than \$60,000 must be obtained by the competitive bidding process set forth in the Procurement Code or purchased in an existing contract. A copy of the procurement code must be available from the Business Manager. Purchases of services for more than \$60,000 also require a bidding process.

6. The purchase, rental, and lease of any tangible personal property non-professional services or construction which will exceed \$60,000 must be formally bid and may not be artificially divided to

circumvent this requirement. Exceptions such as patented or copyrighted products, use of existing contracts, or certain statutory exemptions may apply. Freight, installation, rigging, tax, etc. are considered to be part of the cost of the product. Bid documents will be published by public notice within ten calendar days prior to the date set forth for the opening of the bid.

7. The GC authorizes the Head Administrator to enter into professional service contracts up to the State Procurement Code of \$60,000.00. The GC must approve each negotiated contract in excess of \$60,000. The GC shall be notified at each meeting of any professional service contract entered into on behalf of the school in excess of \$10,000 but less than \$60,000. Coral Community Charter is required to pay gross receipts tax on professional services and a line item for this tax must be specifically established.

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