

# NEW HAVEN PUBLIC SCHOOLS

## BUSINESS & NON-INSTRUCTIONAL OPERATIONS

## SERIES 3000

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# NEW HAVEN PUBLIC SCHOOLS

## BUSINESS & NON-INSTRUCTIONAL OPERATIONS

## SERIES 3000

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## **Business and Non-Instructional Operations**

### **Relations with Vendors**

Purchasing personnel shall promptly acknowledge inquiries from supplier's representatives. The school district shall not extend favoritism to vendors. Each order shall be placed on the basis of quality, price and delivery, with past service being a factor if all other considerations are equal.

No member of the Board of Education shall secure or attempt to secure personal profit or gain by virtue of his/her position as a member of the Board of Education.

No employee shall endorse any product of any type or kind in such a manner as will identify him/her in any way as an employee of the district.

*Legal References: Charter of the City of New Haven, Art. XXIX, §§ 150, 154*

## **Business and Non-Instructional Operations**

### **Local Purchasing**

As a public agency, the Board of Education is aware of its responsibility to spend its funds so as to obtain the greatest educational value for every dollar spent. Therefore, even though the Board will make its purchases locally whenever bids and prices are fully comparable with those of outside bidders, the lowest bid and the lowest price for goods and services will be accepted.

The City of New Haven's Policy on City-based Business, as set forth in Board policy 3313.1(a) shall be followed.

(c.f. 3313.1(a) - City of New Haven's Policy on City-based Business)

*Legal References: Charter of the City of New Haven, Art. XXIX, § 150*

## **Business and Non-Instructional Operations**

### **The City of New Haven's Policy on City-based Business**

The purpose of this section, "City-based business; shall mean a business with a principal place of business located within the City of New Haven. A business shall not be considered a "city-based business" unless evidence satisfactory to the purchasing agent has been submitted with each bid submitted by said business to establish that said business has a bona fide principal place of business in New Haven. Such evidence may include evidence of ownership of, or a long term lease of, the real estate from which from which a principal place of business is operated, or payment of property taxes on the personal property of the business. A "city-based business" shall maintain such status throughout the term of any contract with the City of New Haven. Failure to maintain such status shall be grounds for the City to terminate said contract.

On any contracts or purchases, the lowest responsible bidder shall be determined in the following order:

- (1) On contracts or purchases, the costs of which are one million dollars total contract price or less, any city-based bidder, which has submitted a bid not more than ten (10) percent higher than the low bid, provided such city-based bidder agrees to accept the award for the bid at the amount of the low bid. If more than one city-based bidder has submitted bids of not more than five (5) percent higher than the low bid, and has agreed to accept the award of the bid at the amount of the low bid, the lowest responsible bidder shall be that one of such city-based bidders, which submitted the lowest bid.
- (2) On contracts or purchases, the cost of which are over one million dollars, but less than five million dollars total contract price, any city-based bidder, which has submitted a bid not more than five (5) percent higher than the low bid, provided such city-based bidder agrees to accept the award for the bid at the amount of the low bid. If more than one city-based bidder has submitted bids of not more than five (5) percent higher than the low bid, and has agreed to accept the award of the bid at the amount of the low bid, the lowest responsible bidder shall be that one of such city-based bidders, which submitted the lowest bid.
- (3) On contracts or purchases, the cost of which are over five million dollars total contract price, any city-based bidder, which has submitted a bid not more than three (3) percent higher than the low bid, provided such city-based bidder agrees to accept the award for the bid at the amount of the low bid. If more than one city-based bidder has submitted bids of not more than three (3) percent higher than the low bid, and has agreed to accept the award of the bid at the amount of the low bid, the lowest responsible bidder shall be that one of such city-based bidders, which submitted the lowest bid.
- (4) The responsible low bidder.

The City of New Haven's policy on city-based businesses shall be stated in the invitation to bid.

In any contracts or purchases that are put out to competitive bid, and where the city and the contractor are to share in the revenue generated by the contractors services, the provisions of paragraphs (1), (2) and (3) shall apply.

#### **TO QUALIFY**

Bidders must indicate they are a New Haven-based Business on the calculation sheet prior to the opening of the bid.

## **Business and Non-Instructional Operations**

### **Purchasing Procedures**

The procurement function is one of the major business responsibilities of the Board of Education.

The duties of purchasing for the Board of Education shall be centralized under the Chief Operating Officer.

The Chief Operating Officer shall conduct all purchase transactions for the district.

The Chief Operating Officer shall be familiar with and perform all purchasing activities within the limitations prescribed by applicable law and in accordance with Board of Education and the City of New Haven's purchasing policies.

Four fundamental functions for the purchasing personnel are as follows:

1. Buy the proper product for the purpose required;
2. Have the product available when needed;
3. Buy the proper amount of the product; and
4. Pay the proper price.

Every transaction involving the transfer of property shall be by purchase order or formal contract.

All purchase orders and other purchase obligations shall be signed by the Superintendent or his/her designee.

Specifications governing materials are a joint responsibility of the educational and business departments. In the procurement of materials, the purchasing clerk shall ensure that all materials procures will meet the needs of the educational program.

*Legal References:*     *Conn. Gen. Stat. §§ 10-4a; 10-220; 10-221*  
                              *Charter of the City of New Haven, Art. XXIX, §§ 150, 154*

## **Business and Non-Instructional Operations**

### **Requesting Goods and Services (Requisitions)**

Requisitions for budgeted items shall originate from the personnel directly responsible for their use. The Superintendent of Schools shall arrange appropriate administrative review channels in which all requisitions will be examined and approved prior to purchase.

The Superintendent or his/her designee shall receive and process requisitions in a manner most beneficial to the overall purposes of the school.

*Legal References:*      *Conn. Gen. Stat. § 10-221*  
                                 *Charter of the City of New Haven, Art. XXIX, §§ 150, 154*

**P3323(a)**  
**ORIGINAL**

**Business/Non-Instructional Operations**

**Soliciting Prices (Bids and Quotations)**

**Professional Services Procurement Policy**

**Statement of Purpose**

All professional service procurements made by the New Haven Public Schools (NHPS) involving the expenditure of general and special funds in excess of \$20,000 will be made in accordance with the following procurement standards.

All procurement transactions for professional services, regardless of method or dollar value, will maximize open and free competition consistent with the standards of American Bar Association Model Code for Professional Procurement, CT Statute Title 4a, and Chapter 58. New Haven Public School officials shall not engage in procurement practices that may be considered arbitrary or restrictive.

Purchases will be reviewed by the Chief Financial Officer (CFO) or designee, to prevent duplication and to ensure that costs are reasonable.

**I. METHODS FOR PROCUREMENT**

Procurement for professional services shall be made using one of the following methods: (1) small purchase procedures, (2) competitive sealed bids, (3) competitive negotiations, (4) non-competitive negotiation, (5) sole source methods or (6) State approved contractors, and shall be made in accordance with procedures set forth in this policy, relevant City of New Haven Purchasing regulations.

- a) For **purchases of less than \$500**, efforts will be made to get the lowest and best price, but written records of such efforts are not necessary. **Small Purchases** that cost between **\$500 and \$4,999.99** will require a **Quick Bid Form**, with three over-the-telephone quotations of rate, price, etc. A memorandum will be prepared setting forth the date calls were made, parties contacted and prices obtained. Purchases of supplies, equipment and services that cost **\$5,000 to \$24,999** will require written estimates. The appropriate program official will solicit written responses from *at least three vendors*, and if no such responses are available, a statement explaining the procurement will be prepared and retained.
- b) **Competitive Sealed Bids:** Bidding will be employed when detailed specifications for the goods or services to be procured can be prepared and the primary basis for award is cost. When the cost of a contract, lease or other agreement for materials, supplies, equipment or contractual services, other than those personal or professional, exceeds **\$25,000**, an Invitation for Bids (IFB) notice will generally be prepared consistent with C.G.S. 7-148(v). This notice will be published on the district website. NHPS program officials may also solicit sealed bids from responsible prospective suppliers by sending them a copy of such notice.



## **Business/Non-Instructional Operations**

### **Soliciting Prices (Bids and Quotations)**

#### **Professional Services Procurement Policy (continued)**

##### **b) Competitive Sealed Bids (continued):**

The Invitation to Bid, (IFB) will include a complete, accurate and realistic specification and description of the goods or services to be procured, the bid deposit, payment bond and bond performance required (if applicable), the location where bid forms and specifications may be secured, the time and place for opening bids, and whether the bid award will be made on the basis of the lowest price or the lowest evaluated price. If the lowest evaluated price is used, the measurable criteria to be used must be stated in the IFB. The IFB and website notice must also contain language which calls to the attention of bidders all applicable requirements which must be complied with such as APPROPRIATE CITY, STATE, AND FEDERAL STATUTES, the Civil Rights Act and the Davis-Bacon Act.

**All bidders must provide a list of principal owners and executive staff, as well as, the percentage of city residents, women and minority staff.**

Sealed bids will be opened in public at the time and place stated in the IFBs. The bids will be tabulated by the Chief Procurement Officer (CPO) at the time of the bid opening. The results of the tabulation and the bid procurements will be examined for accuracy and completeness by the appropriate project manager who will make recommendations to the New Haven Public School District. In addition, the CPO shall determine that all firms are responsive and responsible. The New Haven Board of Education will make the decision as to whom the contract shall be awarded in a majority vote. After New Haven Board of Education makes a bid award, a contract will be prepared for execution by the successful bidder.

The New Haven Board of Education, may cancel an Invitation for Bid or reject all bids if it is determined that such is in the best interests of the school district. Bidders will be notified in writing of such cancellation or rejection. The New Haven Board of Education may allow a vendor to withdraw a bid if requested at any time prior to the bid opening. Bids received after the time set for bid opening shall be returned to the vendor unopened.

##### **c) Competitive Negotiations**

The New Haven Board of Education will use competitive negotiations, regardless of contract amount, upon a written determination that:

- Specifications cannot be made specific enough to permit the award of a bid on the basis of either the lowest bid or the lowest evaluated bid price (in other words, bidding is not feasible).
- The services to be procured are professional in nature.

## **Business/Non-Instructional Operations**

### **Soliciting Prices (Bids and Quotations)**

#### **Professional Services Procurement Policy (continued)**

With the exception of certain professional services (principally engineering and legal services), competitive negotiations will proceed as follows:

- 1) Proposals will be posted on the NHPS website; additionally, a **Request for Proposal and Qualifications** (RFPQ) may be prepared and mailed to qualified vendors. The website posting must be published at least seven (7) days and not more than twenty-one (21) days before the date for receipt of the proposals.

The RFPQ will describe services needed, identify the factors to be considered in the evaluation of proposals and the relative weights assigned to each selection factor, and identify the qualifications required of the vendor. The RFPQ will call attention to the same regulations discussed in the bidding process. Requests for proposals will always include cost as a selection factor. In addition, all bidders must provide a list of principal owners and executive staff, as well as, the percentage of city residents, women and minority staff.

Award must be made to the bidder whose proposal is determined in writing by the New Haven Board of Education to be the most advantageous to the school district. Evaluations must be based on the factors set forth in the Request for Proposal and Qualifications and a written evaluation of each response prepared. The review committee may contact the firms regarding their proposals for the purpose of clarification and record in writing the nature of the clarification. If it is determined that no acceptable proposal has been submitted, all proposals may be rejected. New proposals may be solicited on the same or revised terms or the procurement may be abandoned.

For the procurement of certain professional services, an alternative to RFPQs may be used. The New Haven Board of Education will publish a Request for Qualifications (RFQ) document with the RFP. RFQ's are handled in a similar method to RFP's with the exception that cost is not a factor in the initial evaluation. The CPO will evaluate the responses and rank them by comparative qualifications. The highest scoring person or firm will be contacted and the CPO with appropriate staff will negotiate cost. If the vendor is unable to negotiate a satisfactory cost arrangement, the second highest scoring person or firm will be invited to negotiate. The CPO and the relevant project manager will maintain a written record of all such negotiations.

- 2) **Noncompetitive Negotiations**

Noncompetitive negotiations may be used for professional service procurements in excess of \$25,000 when bidding or competitive negotiations are not feasible. The NHPS may purchase services through non-competitive negotiations when it is determined in writing by the Superintendent or his or her designee and Chair of the Finance Committee that competitive negotiation or bidding is not feasible and that:

## **Business/Non-Instructional Operations**

### **Soliciting Prices (Bids and Quotations)**

#### **Professional Services Procurement Policy (continued)**

#### **2) Noncompetitive Negotiations (continued)**

- a) An emergency exists which will cause public harm as a result of the delay caused by following competitive purchasing procedures, or,
- b) The product or service can be obtained only from one source, or,
- c) The contract is for the purchase of perishable items purchased on a weekly or more frequent basis, or,
- d) Only one satisfactory proposal is received through RFP or RFQ, or,
- e) The state has authorized the particular type of noncompetitive negotiation (for example, the procurement of services by an Area Development District), through a purchasing consortium or through an existing state contract available to municipalities.

Procurement by noncompetitive negotiation requires the strictest attention to the observation of impartiality toward all suppliers. The New Haven Board of Education must approve all procurements by non-competitive negotiation when only one supplier is involved or only one bid or response to an RFP/RFQ is received.

- 3) Bids will be accepted only from those contractors who have a proven record of ability to successfully complete the scope of work being bid. References will be requested along with the contractor's bid proposal. Any contractors submitting a bid must produce (along with his/her bid documents) written proof of liability insurance and worker's compensation coverage. Consideration will be given to such matters as contractor integrity, compliance with public policy, record of past performance and financial and technical resources in awarding contracts.
- 4) Upon submission of a bid, the contractor will present a bid guarantee equivalent to 5 percent of the amount of the contractor's submitted bid. Unsuccessful bidders will have their bid guarantee returned to them with the notice which advises them they are an unsuccessful bidder. The successful bidder will post (at the signing of the contract and notice to proceed) a performance bond equal to 100 percent of the contract amount, along with a payment bond equivalent to 100 percent of the contract amount.

## **II. PROFESSIONAL SERVICE AGREEMENTS AND CONTRACTS**

Generally, all procurement for professional services in excess of \$200 will be memorialized and supported by a written Contract or Agreement. Where it is not feasible or is impractical to prepare a Contract or Agreement, a written finding to this effect will be prepared and some form of documentation regarding the transaction will also be prepared.

## **Business/Non-Instructional Operations**

### **Soliciting Prices (Bids and Quotations)**

#### **Professional Services Procurement Policy (continued)**

#### **II. PROFESSIONAL SERVICE AGREEMENTS AND CONTRACTS (continued)**

The contractual provisions required by the Standards for Professional Services agreements will be included in all contracts.

All contracts will contain language that allows the New Haven Board of Education the opportunity to cancel any contract for cause. Said cause shall include (but not be limited to) demonstrated lack of ability to perform the work specified, unwillingness to complete the work in a timely fashion, cancellation of liability insurance or worker's compensation, failure to pay suppliers or workers, unsafe working conditions caused by the contractor, failure to comply with Davis-Bacon wage laws (where applicable), failure to keep accurate and timely records of the job, or failure to make those records available to the New Haven Board of Education (on request) or any other documented matter which could cause a hardship for the New Haven Board of Education if a claim should arise or the work not be completed on schedule at the specified cost.

All professional service Agreements will contain the Board of Education approved Student Data Privacy Agreement as required by State and Federal regulations.

#### **III. DOCUMENTATION**

All source documents supporting any given transaction (receipts, purchase orders, invoices, RFP/RFQ data and bid materials) will be retained and filed in an appropriate manner. Where feasible, source documents pertinent to each individual procurement shall be separately filed and maintained. Where it is not feasible to maintain individual procurement files, source documents will be filed and maintained in a reasonable manner (examples include chronologically, by vendor, by type of procurement, etc.). Whatever form of documentation and filing is employed, the purpose of this section is to ensure that a clear and consistent audit trail is established. At a minimum, source document data must be sufficient to establish the basis for selection, basis for cost, (including the issue of reasonableness of cost), rationale for method of procurement and selection of contract type, and basis for payment.

#### **IV. LOCALLY OWNED, MINORITY OWNED, FEMALE OWNED AND SMALL BUSINESSES**

All necessary affirmative steps will be taken and documented to solicit participation of locally owned, minority-owned, female-owned and small businesses. The New Haven Board of Education will solicit proposals from minority- or women-owned businesses that provide the goods or services that are being sought. All bidders must provide a list of principal owners and executive staff, as well as, the percentage of city residents, women and minority staff.

## **Business/Non-Instructional Operations**

### **Soliciting Prices (Bids and Quotations)**

#### **Professional Services Procurement Policy (continued)**

#### **IV. LOCALLY OWNED, MINORITY OWNED, FEMALE OWNED AND SMALL BUSINESSES (continued)**

Where possible and feasible, delivery schedules will be established and work will be subdivided to maximize participation by small businesses or minority- or women-owned businesses. Subdivided components will be bid as a separate contract. Where feasible, evaluation criteria will include a factor with an appropriate weight for these firms. A list of locally owned, minority-owned, female-owned and small businesses and also minority businesses located within the trade region shall be maintained and used when issuing IFBs, RFPs and RFQs. This list shall also be consulted when making small purchases.

Legal Reference: Connecticut General Statutes

7-148v Requirements for competitive bidding

P.A. 13-71 An Act Concerning Requirements for Competitive Bidding for the Award of Contracts or Purchase of Property by Municipalities June 2017 Special Session PA 17-2, Section 16

Policy adopted:

NEW HAVEN PUBLIC SCHOOLS  
New Haven, Connecticut

## Professional Services Procurement Policy

### Glossary

**Agreement:** a duly executed and legally binding contract.

**Competitively Bid:** Formal Public Bid – Publicly advertise the scope, specifications and terms and conditions of the proposed Agreement or Contract, as well as, the criteria by which the bids will be evaluated.

**Competitive Negotiations:** Method used as an alternative to competitive bidding in which a RFP/Q is only sent to qualified contractors whose bid falls within a pre-determined competitive range.

**Invitation for Bids, (IFB):** A publicly advertised call to contractors to submit a proposal or project for a specific service.

**Independent Consultant Agreement:** Agreement to obtain consulting services or programmatic services by an individual with highly specialized expertise for defined Scope of Work.

**Non-Competitive Negotiations:** Used for professional service procurements in excess of \$10,000 when bidding or competitive negotiations are not feasible

**Request for Proposal/Qualifications, (RFP/Q):** A solicitation that details the need for service, Scope of Service, and the required qualifications, terms and conditions.

**Sealed Bids:** Contents of bids are sealed to prevent review of contents prior to the deadline for submission of responses.

**Sole Source:** A designation provided by the City of New Haven when there are no options but one contractor with the ability to provide the service. If the contractor meets the criteria, the City will issue a Sole Source letter. The Sole Source letter must be obtained prior to submission of an Agreement or Contract.

**Quick Bid:** The City of New provides the form to document quotes for small dollar amounts. This form is accompanied with the Agreement or Contract.

**A. Management and Evaluation of Professional Services Contractors**

**I. Student Programs and Interventions:**

Vendors working directly with students must show that they have produced achievement or behavioral outcomes with the students identified in the Professional Services Agreement. Such outcomes will include one or more of the following:

- Improved criterion reference achievement, standardized test scores and other measures of academic achievement.
- Archival evidence of student work
- Improved attendance
- Improved pro-social conduct in school
- Improved effort in assigned tasks within the classroom and school

**II. Professional Development for Staff and Parents:**

Vendors working directly with staff and parents must show evidence they can and have produced improvements in the knowledge and skills of the staff or parents identified in the Professional Services Agreement. Evidence would include:

- Authored publications
- Training designs
- Impact assessments with districts similar to the New Haven Public Schools

**III. Product Development Agreements:** Vendors must provide a portfolio of evidence that they can produce quality work in agreements to produce products, such as, website development, customized computer programs, data base development, and other products necessary for the operation and efficiency of the school district.

**All vendors must include program impact or product quality indicator instrumentation with bid submissions.**

**IV. Program Evaluation Typology:**

1. Single group time series design with baseline data
2. Comparative group time series with baseline data
3. Subject perceptions of program intervention
4. Archival products of evidence of knowledge and skill acquisition
5. Clinical evaluation of subject performance
6. Time series evaluation of progression of participant application of knowledge and skill acquisition.
7. Independent evaluation of program impact by recognized experts in the field.

**Professional Services Procurement Policy**

**Management and Evaluation of Professional Services Contractors (Continued)**

**V. Program Selection and Oversight Structure:**

The Grant Program Manager will be responsible for the following:

- Justification of need for the proposed service
- Supporting staff in program selection using the Request for Proposal/Request for Qualifications (RFP/RFQ) Process
- Program Monitoring
- Meeting with stakeholders at three intervals for formative and summative assessment of program implementation



## **Business and Non-Instructional Operations**

### **Contracts**

All contracts between the district and outside agencies shall conform to the prescribed standards as may be required by City charter.

All contracts between the district and outside agencies shall be prepared under the supervision of the Superintendent or his/her designee and, where appropriate, subject to the approval of the legal adviser to the district and those committees designated by the Board of Education, such as the Curriculum Committee and the Administration and Finance Committee. All contracts will go the Board of Education for approval.

The school district shall not enter into any contract with a person, agency or organization if it has knowledge that such person, agency or organization discriminates on the basis of race, color, religious creed, age, marital status, national origin, sex, sexual orientation, or physical handicap or disability, either in employment practices or in the provision of benefits or services to students or employees.

*Legal References:*      *Conn. Gen. Stat. § 7-148*  
                                 *Charter of the City of New Haven, Art. XXIX, § 150*

## **Business and Non-Instructional Operations**

### **Payment for Goods and Services**

The Board of Education shall not enter into a contract until it has been authorized at a regularly called meeting, or pay a purchase order invoice without prior approval.

The Board of Education will authorize payment for goods and services only if such goods and services are:

1. Contracted for within budgetary limits;
2. Purchased according to relevant purchasing policies and regulations; and
3. Certified by the Superintendent or his/her designee as having been received in acceptable condition.

*Legal References:*     *Conn. Gen. Stat. § 10-248*  
                              *Charter of the City of New Haven, Art. XXIX, § 150*

## **Business and Non-Instructional Operations**

### **Payroll Procedures and Authorized Signatures**

The Superintendent of Schools or his/her designee shall supervise the preparation of all payrolls. He/she shall certify payments for approved absence in accordance with adopted policies of the Board of Education. The payroll clerk shall be authorized to make all deductions from each individual's pay as required by local, state, and federal law and any other deductions authorized by the individual and approved by the Board of Education. Each payroll and other orders for payment of expenses by the City Treasurer on behalf of the Board of Education shall be signed by the Superintendent or the Superintendent's designee.

*Legal References:*     *Conn. Gen. Stat. § 10-248*  
                              *Charter of the City of New Haven, Art. XXIX, § 150*

## **Business and Non-Instructional Operations**

### **Funding of Special Projects/Programs**

#### **Special Projects**

The Board of Education recognizes the special contribution that outside resources can make to our school community. It is necessary to assure that they be sought energetically and then used in ways which further the Board of Education's goals and objectives.

All proposals developed by school system staff are to be submitted to the Board of Education for approval prior to submission to funding agencies. When time factors militate against following this process, the Superintendent may permit submission of proposals while informing the funding agencies that acceptance of grants is contingent upon Board of Education approval.

Similar procedures are to be followed in regard to proposals developed by outside organizations, groups, or individuals.

To facilitate this process, the Board of Education authorizes the Superintendent to approve projects that do not exceed \$10,000. Prior to taking such action, the appropriate Board of Education Committee(s) will be provided with the regular abstracts for these projects.

Expenditures must follow the purchasing procedures outlined in 3313.1.

*Legal References:*      *Conn. Gen. Stat. § 10-221*  
                                 *Charter of the City of New Haven, Art. XXIX, § 150*