**PROCUREMENT POLICY**

**Section 1 General**

The Board recognizes the importance of a sound fiscal management program and expects Hawthorn staff to maximize the resources available for the school’s educational program and to be good stewards of public funds by exercising fair, competitive purchasing practices. All purchases shall be in the best interest of Hawthorn considering the totality of the circumstances surrounding the procurement, which may include but not be limited to price, quality, availability, delivery, timeliness, reputation and prior dealings and other factors considered important to the school. Hawthorn will respect its financial obligations and will also require that providers meet their obligations to provide quality products and services in a timely manner to the school. No contract or other financial arrangement for goods or services whose value is in excess of $10,000 per annum will be entered into or terminated without the proper documentation and without an affirmative vote from a majority of the Board.

**Section 2 Purchasing Supervision**

The Head of School will serve as Hawthorn’s purchasing officer and may designate another or additional purchasing officers. The purchasing officer may develop procedures to implement this policy in a manner that will meet the needs of Hawthorn while protecting its resources. Such procedures shall allow Hawthorn to benefit from cooperative purchase and shall address unusual situations such as purchasing when there is a single feasible source for the purchase. The purchase officer is also authorized to create a process where authorized providers are selected for frequent purchases, while still monitoring the competitiveness of these providers. The purchasing officer will supervise purchases of products and services and may authorize purchases on behalf of the school that comply with the Board-adopted budget and this policy. Purchasing procedures shall comply with all applicable laws and will centralize and provide oversight of all purchasing decisions.

**Section 3 Competitive Purchasing**

**Section 3.1** Hawthorn staff will research all purchases and compare prices prior to making decisions regarding the expenditure of funds, unless a purchase is covered by an exception pursuant to this policy or any procedures adopted hereunder. Employees are expected to contact multiple providers before making a decision regarding purchases greater than $5,000. Purchases of $5,000 or more will be competitively bid as provided in Section 3.2; and sealed bids in response to Requests for Proposal will be required for purchases that may exceed $150,000. Hawthorn will select the lowest or best bid, quote or proposal that provides the best services or resources, and reserves the right to waive minor technical defects in a bid, reject any and all bids, reject any part of a bid, advertise for new bids, or make the purchase on the open market if the product or service can be obtained at a better price.

**Section 3.2** For the purposes of this policy, quotation is defined as a written or oral offer to sell a specific good or service at a prescribed price within a prescribed timeline. At least three written or oral quotations will be obtained for purchases of budgeted expenditures for supplies, materials, furniture, equipment and other similar items or services having a value of more than $5,000 but less than $150,000. If three or more quotations are not possible, the purchase request will include an explanation. The purchasing officer will determine the best quotation in accordance with this policy. Records of all quotations will be kept on file for at least one year after receipt.

**Section 3.3** When the purchase officer determines that the purchase of goods or services might exceed $150,000, the purchase officer will prepare a Request for Proposal detailing the goods or services to be bid and such other factors that must be included in the proposal submitted by the vendors. Proposals shall be kept sealed until the date specified for opening.

**Section 4 Exceptions to General Purchasing Policy**

When materials or services are urgently needed and/or the bid or quote process is not practical, a waiver from the normal purchasing procedures may be requested. The purchasing officer shall make the determination of whether to grant such a waiver. For example, unless otherwise required by law, the purchasing officer may waive the requirement for competitive bids or proposals when he or she has determined that there exists a threat to life, property, public health or public safety or when immediate expenditure is necessary in order to protect against further loss of or damage to property, or to prevent or minimize a serious disruption in services. Emergency purchases shall be made with as much competition as is practical under the circumstances and will only be utilized for purchases that are necessary to alleviate the emergency. In addition, the purchasing officer may waive the requirement for competitive bids or proposals when he or she has determined there exists a single feasible source for the goods or services. Any such waiver shall be documented by the purchasing officer.

**Section 5 Debarred or Suspended Providers**

Hawthorn will not do business with providers who have been suspended or debarred on a state or federal level unless the purchasing officer authorizes the transaction and provides the Board with written justification. If Hawthorn is currently under contract with a provider who becomes suspended or debarred, then the School will comply with all legal obligations to the provider, but will not do business with the provider in the future until the provider is no longer suspended or debarred or until the purchasing officer approves the purchase in writing.

**Section 6 Confidentiality**

Sealed bids and related documents will be kept confidential until bids are opened. Hawthorn staff will not disclose offers, bids or price quotations to competitors except as necessary to conduct negotiations or as required by law. All contract negotiations and related documents are considered closed until a contract is executed or all proposals are rejected.

**Section 7 Conflict of Interest**

As provided in the Conflict of Interest Policy adopted by the Board, Hawthorn will not purchase services, supplies or materials from a staff member, a Board member or their families, except in compliance with such policy

**Section 8 Endorsements**

Employees will not endorse products or services in such a manner that will identify the employee as an employee of the School.

**Section 9 Credit and Purchasing Cards**

**Section 9.1** All purchases made using School credit or purchasing cards must be attributed to the appropriate budget code and must conform to the Board-adopted budget.

**Section 9.2** Unless otherwise authorized by the Board, only the Head of School, the purchasing officer or other designees, will have access to a School credit card, and no more than $3,000 per month may be charged to those cards.

**Section 9.3** Any employee or Board member using a School credit card or purchasing card shall sign a card usage agreement if the purchasing officer determines that such a usage agreement should be part of the school’s procurement procedure. School employees or the Board member issued a card must provide documentation, such as receipts and applicable budget codes, justifying expenditures. The purchasing officer will examine all documentation prior to payment and will notify the Head of School immediately if any purchase was made in violation of law or School policies or procedures.

**Section 9.4** All employees issued a credit or purchasing card must take all reasonable measures to protect the cards against damage, loss, theft or misuse. Any damage, loss, theft or misuse of the card must be reported to the Associate Head of School or purchasing officer immediately. No person may use the card other than the authorized employee to whom the card was issued. School employees will surrender all cards upon completion of their employment or upon demand.

**Section 9.5** School expects all staff members to comply with the letter and intent of all policies and procedures regarding purchasing. Under no circumstances may employees use Hawthorn funds to make unauthorized or personal purchases. Staff members may not artificially divide purchases to avoid bidding requirements or design bid specifications to favor a particular provider.

**Section 9.6** All School employees must report suspected fraud, theft or misuse of funds to the Head of School or purchasing officer immediately. School employees may be disciplined or terminated from employment for failing to follow Board policy or procedures and for any misuse of School resources, including School cards.

**Section 9.7** The Head of School, Associate Head of School, or purchasing officer will contact law enforcement and file a report or sign a complaint on behalf of School in situations where a crime may have occurred.

**Section 10 Use of Federal Grant Funds for Procurement**

Open and Free Competition. The Head of School shall ensure that all procurement transactions are conducted in a manner that provides open and free competition. Awards must be made to the bidder/offeror whose bid/offer is responsive to the solicitation and is most advantageous to Hawthorn considering price, quality, and other relevant factors deemed appropriate by Hawthorn.

Conflicts of Interest. Pursuant to the Conflict of Interest Board Policy, no employee, officer, or agent of, who has a real or apparent conflict of interest, will participate in the selection, award, or administration of a contract supported by federal funds. Employees, officers, and agents may also not solicit or accept favors, gratuities, or anything of monetary value from contractors or their agents.

Additional Requirements.

a. The solicitation of bids or offers must provide a clear and accurate description of the requirements to be fulfilled by the bidder, technical requirements to be performed including the minimum acceptable standards and specific features of brand name or equal descriptions that bidders are required to meet;

b. Positive efforts shall be made to utilize small businesses, minority-owned firms, and women’s business enterprises whenever possible;

c. The type of procurement instruments used (e.g. purchase orders) must be appropriate for the particular procurement;

d. Contracts are made only with responsible contractors who possess the potential ability to perform successfully under the terms and conditions of the proposed procurement;

f. Procurement documents shall be made available, upon request, to appropriate government officials.

Record Documentation. The Head of School shall ensure there is a cost or price analysis made and documented with every procurement action as well as appropriate documentation for the basis for contractor selection. The Head of School shall also ensure the evaluation of the contractor performance and document whether the contractor has met the terms, conditions, and specifications of the contract.

**Section 11 Conformance with other Policies and Laws**

Nothing in this policy shall be construed to contradict any other Board policy. No provision of the purchasing policy shall be deemed to permit any expenditure of public education revenues outside the parameters of applicable state or federal laws. It is acknowledged that state law regarding bidding may apply to certain procurements and that as a condition of the receipt of certain federal funds, federal procurement requirements also apply.

*Adopted 10/12/19*