



Board Meeting Minutes

Tuesday, February 7, 2023

Location: Vanguard Academy - 2650 S. Decker Lake Lane - Room 104

Present: Joy Palmer, Charles Reynolds, Debby Llewelyn, Brad Nelson, Michael Clark, Grace Mitchell, Eric Freeman, Kim Mangum, Scott Kingston, Darren Jenkins, Rachel Anderson, Royce Van Tassell, Dave Mortenson, Ben Robinson

Not Present: Dan Jessop

Start Time: 6:33 P.M.

Our mission is to empower our students to excel in college and careers with exceptional math, science, and leadership skills, inspired by music and a passion for learning.

MEETING MINUTES

1. **Public Comment** – no public comments

2. **Items of Excellence**

3. **Minutes from Previous Meeting**

Kim motioned to approve the 1/31/23 Meeting Minutes with the changes mentioned, Grace seconded.

VOTES: All present voted YES. The minutes were approved

4. **GPS RFP**

Michael corrected information from the last meeting. The winning bid was the highest priced bid. There was an error in the formula in the scoresheet from the state. The winning bid was still the highest ranked bid once the error was corrected, and there are no conflicts with the selected vendor.

Ben Robinson arrived during this discussion.

5. **Articulation Agreement**

Charles presented an Articulation Agreement with Endeavor Hall. Brad motioned to approve the articulation agreement subject to the approval of the Endeavor Board, and

the Utah State Charter Board, with the change in paragraph 6, Ben seconded the motion.

VOTES: All present voted YES. The agreement was approved.

6. Charter Amendment

Charles presented an updated charter amendment that includes the articulation agreement with Endeavor Hall. Darren motioned to approve the charter amendment pending approval of the articulation agreement by Endeavor Hall, Kim seconded the motion.

VOTES: All present voted YES. The charter amendment was approved.

7. Policy Review

Charles presented an updated enrollment and lottery policy that would become active subject to the articulation agreement being approved by both the Endeavor Hall Board and the Utah State Charter Board. Debby motioned to approve the policy, Grace seconded.

VOTES: All present voted YES. The policy was approved, pending other items.

8. Closed Session

Closed Session in Accordance with The Utah Open and Public Meetings Act for Purposes Outlined in Law, to discuss pending and imminent litigation.

Grace motioned to move to closed session, inviting Charles, Dave, and Royce, to discuss pending and imminent litigation. Debby seconded.

Roll Call Vote: Ben – YES, Kim – YES, Darren – YES, Grace – YES, Brad – YES, Debby – YES, Scott – YES, Eric – YES

Time moved to closed session: 7:04

Time moved to open session: 8:02

Roll Call – Joy, Charles, Ben, Kim, Royce, Darren, Grace, Brad, Debby, Scott, Eric

9. Discuss Agenda for Friday's Meeting

Procurement and Compliance Officer Position – voting items

Food contract for next school year once the compliance officer is in place – voting items

Policy change to use state approved vendors when available and willing.

Debby motioned to adjourn the meeting, Grace seconded.

VOTES: All present voted YES. Meeting was adjourned.

Policy Title: 15.10 Procurement

Policy Reference: PL.143

Attaches To: (see page 1 and 2, Objects(s): Job Descriptions, Etc, Applied To)

15.10.1 Description:

Vanguard Academy will follow applicable state and federal laws in connection with the procurement of supplies, equipment, and services, including but not limited to the provisions of the Utah Procurement Code at Utah Code 63G-6a-101.

15.10.2 Purpose:

To make sure that all purchases are authorized by Vanguard Academy and in compliance with applicable law(s).

15.10.3 Scope: All purchases

15.10.4 Legal Reference:

15.10.4-1 State Law Requirements

This policy is established pursuant to Utah Code 63G-6a-101 et. seq. and Utah Administrative Rules, Title R33, and requires all Vanguard Academy employees to comply with the same. The Vanguard Academy Board of Directors has authority to establish procurement policies that are more restrictive than State laws or rules. Certain components of the law particularly relevant to Vanguard Academy employees are included below:

1. Contracts must follow the guidelines outlined in the State Procurement Code, specifically regarding the length of multi-year contracts (Utah Code 63G-6a-1204(7)).
2. Construction and improvements must comply with the provisions of the State Procurement Code (Utah Code 63G-6a-1302 the Utah State Board of Administrative Rules, and Title IX). XIII. 5-1 Vanguard Academy Fiscal Policy Manual – 2019 Section 5 – Procurement
3. Exclusive contracts must comply with the guidelines outlined in the State Procurement Code (Utah Code 63G-6a-101 et. seq.), Vanguard Academy's procurement policy, and the Utah Public Officers' and Employees' Ethics Act (Utah Code 67-16-1 et. seq.).

15.10.4-2 Federal Law Requirements (Procurement and Allowability)

1. This policy is established pursuant to Federal Code (200.318)
Except where otherwise authorized by statute, costs must meet the following general criteria in order to be allowable under Federal awards:
 - a. Be necessary and reasonable in price for the performance of the award and be allocable thereto under these principles.

- b. Conform to any limitations or exclusions set forth in these principles or in the award as to types or amount of cost items.
- c. Be consistent with policies and procedures that apply uniformly to both federally-financed and other activities of Vanguard Academy.
- d. Be accorded consistent treatment. A cost may not be assigned to an award as a direct cost if any other cost incurred for the same purpose in like circumstances has been allocated to the award as an indirect cost.
- e. Be determined in accordance with generally accepted accounting principles (GAAP).
- f. Be adequately documented.
- g. Cost must be incurred during the approved budget.
 - i. (200.319)
 - 1. All transactions for acquisition of property or services required under Federal Award must be conducted in a manner providing full and open competition.
 - ii. 200.213 Inventory Management (use of Federal Funds)
 - 1. All equipment used by Vanguard Academy with use of Federal Funds will be used in the program or project for which it was acquired.
 - 2. All equipment and supplies used by Vanguard Academy with a Federal Award will be inventoried and records will be maintained which will include a Description, serial number, source of funding, acquisition date, and cost.
 - 3. A physical inventory will be conducted at least every two years.
 - 4. A control system will be in place to ensure adequate safeguards to prevent loss, damage, or theft.
 - 5. If Vanguard Academy is authorized or required to sell the property proper sales procedures must be established to ensure the highest possible return.
- h. **Disposition**

When original or replacement equipment acquired under a federal award is no longer needed for the original project or program or for other activities currently or previously supported by a Federal awarding agency, except as otherwise provided in Federal statutes, regulations, or Federal XIV. 5-4 awarding agency disposition instructions, Vanguard Academy must request disposition instructions from the Federal awarding agency if required by the terms and conditions of the Federal award. Disposition of the equipment will be made as follows, in accordance with Federal awarding agency disposition instructions:

- i. Items of equipment with a current per unit fair market value of \$5,000 or less may be retained, sold or otherwise disposed of with no further responsibility to the Federal awarding agency.

15.10.5 General Provisions

1. Procurement Officer Designated: The procurement/compliance officer is hired by the board of directors and shall report directly to the board of directors, specifically the board's oversight committee. The procurement officer is designated to oversee and review all purchases and procurements on behalf of Vanguard Academy and to ensure that the procurement process complies with all federal and state statutes, rules and local LEA policies. The procurement officer also ensures that each procurement is completed in a fair process, free from influence and/or conflicts of interest.

24. Purchasing Agent Designated: The purchasing agent is hereby appointed and designated as Vanguard Academy's purchasing agent. The Purchasing Agent may from time to time appoint another person to undertake all or some of the duties of the Purchasing Agent set forth herein or appointed to them.

32. Authority to Enter into and Execute Contract: All **employment** contracts are to be approved by the Director, **with the exception of employees with a familial conflict of interest. Those employee contracts shall be approved by the procurement/compliance officer.** No department, office, advisory or policy board or other organization of Vanguard Academy, nor any officer or employee thereof, shall be empowered to execute any purchase order or contract except as specifically authorized in this policy or by other applicable law. All contracts in violation of this provision are considered void and may result in the personal obligation and liability of persons at fault for such violations.

43. Conflict of Interests Prohibited: No officer, employee, agent, representative or member of any committee of Vanguard Academy shall have a financial interest in any contract, bid, or proposal; receive any compensation or gift from any bidder or proposer; or have any other conflict of interest (See Utah Code 67- 16 and 17-16a).

54. Competitive Procurement: Unless exempted by this policy, all purchases and contracts shall be awarded on a competitive basis, as required by this Policy and applicable State and Federal law.

65. Participation in State Procurement Unit Agreement and Contracts: Pursuant to Utah Code 63G-6a-2105, Vanguard Academy **will first** may make purchases from or participate in state public procurement unit agreements and contracts, pursuant to the terms of said agreements and contracts without soliciting additional procurement options, **unless a state preferred provider is not available.**

76. Unethical Purchasing Practices: Failure of any agent, officer or employee to comply with ethical purchasing requirements may result in suspension, termination, being personally liable for the purchase and/or criminal prosecution. All agents, officers and employees engaged in the procurement process for Vanguard Academy will maintain high ethical behavior in agreement with Utah Code 67-16, Utah Public Officers' and Employees' Ethics Act and avoid the following practices:

- a. Dividing a procurement to avoid following policy (see Utah Code 63G-6a-2404.3)
- b. Kickbacks and Gratuities (see Utah Code 63G-6a-2404, 67-16-5 through 67-16-6)
- c. Failure to Disclose conflicts (see Utah Code 63G-6a-1205 & 67-16-9)
- d. Cost-plus-a-percentage-of-cost contracts (see Utah Code 63G-6a-1205)

87. Vanguard Academy purchases are not subject to sales tax. For vendors requiring documentation of tax exempt status, a TC-712G Exemption Certificate for Vanguard Academy may be obtained from the Purchasing Agent.

98. When a procurement involves the expenditure of State or Federal funds, Vanguard Academy shall comply with the applicable State and Federal laws and regulations.

15.10.5-1 Authorization Requirements for Purchases

1. Purchases up to \$1,000: All purchases less than \$1,000 may be approved by Vanguard Academy's designated purchasing agent, as long as the purchases have been budgeted for within the requesting department budget and are in line with the budgeted purposes and responsibilities of that department. Vanguard may make purchases from any vendor without obtaining competitive bids.

2. Purchases over \$1,000: All purchases of goods and services more than \$1,000 **must** ~~may~~ be approved by the ~~Director/Assistant Director.~~ **Procurement/compliance officer.** **If a procurement/compliance officer is not available, purchases shall be approved by a non-conflicted member of the finance committee.** Documentation of the solicitation of at least

2 quotes (preferably 3) or reference to the exemption of those requirements must be attached.

3. **Purchases over \$5,000:** All purchases of goods and services over \$5,000 need Finance committee approval. Documentation of the solicitation of at least two quotes (preferably 3) or reference to the exemption of those requirements must be attached. For small purchases defined in Utah Administrative Code R33-3-3, which will typically include purchases over \$1,000 up to \$50,000 of items other than professional services. Procedures set forth in the rule to purchase from the responsible vendor offering the lowest quote meeting the specifications. **If there are any conflicts with members of the finance committee, approval is required by the oversight committee.**

4. **Purchases over \$50,000:** **For a**All purchases of goods and services over \$50,000 **the school shall first identify anyone on the state's preferred vendor list to contract with. If a preferred vendor is not available, the school will** ~~must be~~ put out for competitive bid, **with the procurement/compliance officer overseeing the RFP from start to finish. The oversight committee shall review and score bids.** Unless an exception applies, for purchases of items other than professional services over \$50,000, an appropriate procurement process, such as Request for Bids or a Request for Proposals will be conducted.

5. **Avoidance of approval:** Purchases will not be artificially divided or other steps taken to avoid the approval process required by this policy.

- a. It may be determined after an order is placed or received that a large enough quantity was not ordered, or the correct sizes were not obtained, and additional items must be ordered. If this occurs, the employee initiating the purchase must include a written explanation of the purpose of the purchase and justification as to why it is not considered splitting a purchase. This should be retained with the vendor invoice
- b. Penalties for dividing purchases range from a class B misdemeanor to a second degree felony, depending on the total value of the divided procurement.

6. **Competitive Bids - When Required**

a. All procurements of goods which are reasonably anticipated to exceed \$50,000 shall be obtained by the procurement/compliance officer, by~~obtained by first, checking the state approved vendor list for a vendor that can meet the requirements of the purchase. In the event that Vanguard is unable to find a vendor that can meet the needs of the procurement, Vanguard's procurement officer will procure the services through a competitive sealed bidding process.~~ The Board of Directors may also require competitive bidding for the procurement of goods and services for any amount.

b. In the event that bids exceed available funds and the lowest responsive and responsible bid does not exceed funds available by more than five percent, the Board may, where time or economic considerations preclude re-solicitation of work of a reduced scope, negotiate an adjustment of the bid price, including changes in the bid requirements, with the lowest responsive and responsible bidder, in order to bring the bid within the amount of available funds.

c. Content of Invitation for Bids. An invitation for bids shall:

i. State that the Vanguard Academy is seeking bids for a procurement;

ii. Contain information on how to contact the person with the most knowledge about the procurement;

iii. State the period of time during which bids will be accepted;

iv. Describe the manner in which a bid shall be submitted;

v. State the address at which a bid may be submitted, and the person to whom the bid should be submitted;

vi. Describe the goods or services sought to be procured;

vii. List or refer to the objective criteria that will be used to evaluate the bids.

viii. To the extent possible, include or reference significant contractual terms and conditions.

ix. State the date, time and place for the public opening of all bids.

x. An invitation to bid may require attendance at a pre-bid meeting for the purpose of obtaining additional information relevant to the bid. The invitation shall list the time, date and place of any pre-bid meeting that will take place.

xi. An invitation to bid may require that a bidder obtain additional specifications and objective criteria too lengthy to publish in the invitation for bids. The invitation to bid shall indicate where such information may be obtained.

d. All invitations for bids shall be published on the state procurement website at least 15 days prior to the deadline for submission of a bid.

e. Vanguard Academy shall reject bids from further evaluation that are: incomplete, illegible, conditional, modify bid requirements, contain additional terms or conditions, divide bid into parts, failed to attend required pre-bid meetings, fail to confirm requirements or specifications, the bidder has a pending dispute with the Vanguard Academy on a previous project or where the Vanguard Academy reasonably concludes that the bidder is unable to satisfactorily fulfill the bid requirements or has engaged in unlawful or unethical conduct in attempting to secure the bid. Any bidder whose bid has been rejected may obtain from the Vanguard Academy a written finding stating the specific reason the bid was rejected.

f. Vanguard Academy shall award the bid/contract to the lowest qualified bidder or the bidder who best satisfies the objective criteria described in the invitation for bids which may include: Experience, performance ratings, inspection of workmanship, suitability, quality, likely compatibility with existing assets or practices, availability, warrantee, references, licensure, proximity or other criteria reasonably specified in the invitation to bid.

g. Tied bids may be resolved using any reasonable criteria and at the sole discretion of Vanguard Academy.

h. Vanguard Academy may cancel the bid process or reject all bids in whole or in part if it determines that; no bids met bid requirements, there are insufficient funds, the item is no longer needed or the specifications or timing does not meet Vanguard Academy's current needs or long term plans. In the event of a bid cancellation Vanguard Academy shall publicly state the reason for the cancellation and make that information available for public inspection.

i. Exemptions from competitive bid requirements may include the following: Sole source providers, service contracts with professionals or specialists, emergency purchases. The Purchasing Agent shall sufficiently document the reason for not competitively bidding the procurement and have it approved by the Finance Committee.

j. Protests to the bidding process shall be submitted to the Vanguard Academy in writing within 5 days. The Purchasing Agent will respond to the protest within 5 days of receiving the complaint. The Purchasing Agent's decision may be appealed to the Finance Committee in writing within 5 days. The Finance Committee may address the appeal at its next regularly scheduled meeting or hold a special meeting to evaluate the merits of the protest appeal.

Procurement Code requirements connected with any contract term longer than five (5) years, including any automatic renewals or extensions will be followed.

Any construction or real property improvements undertaken by Vanguard will be done in compliance with the requirements of the Procurement Code.

All purchases made with restricted program funds should be identified and tracked as such.

Any alleged violations of this policy or applicable law should be reported in writing to the Vanguard Academy director and board of directors.

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1. Contracts must follow the ~~applicable provisions guidelines~~ applicable provisions outlined in the State Procurement Code, including without limitation laws ~~specifically~~ regarding the length of multi-year contracts (Utah Code § 63G-6a-1204(7)).
2. Construction and improvements must comply with the applicable provisions of the State Procurement Code (Utah Code § 63G-6a-1302; ~~the~~ Utah State Board of Education Administrative Rules, and Title IX) ~~and XIII;~~ ~~5-1~~ Vanguard Academy Fiscal Policy Manual – 2019 Section 5 – Procurement).
3. Exclusive contracts must comply with the ~~guidelines-provisions~~ provisions outlined in the State Procurement Code (Utah Code § 63G-6a-101 et. seq.), Vanguard Academy's procurement policy, and the Utah Public Officers' and Employees' Ethics Act (Utah Code § 67-16-1 et. seq.).

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- b. Conform to any limitations or exclusions set forth in these principles or in the award as to types or amount of cost items.
- c. Be consistent with policies and procedures that apply uniformly to both federally-financed and other activities of Vanguard Academy.
- d. Be accorded consistent treatment. A cost may not be assigned to an award as a direct cost if any other cost incurred for the same purpose in like circumstances has been allocated to the award as an indirect cost.
- e. Be determined in accordance with generally accepted accounting principles (GAAP).
- f. Be adequately documented.
- g. Cost must be incurred during the approved budget.

i. ~~(200.319)~~ [INSERT TITLE]

1. All transactions for acquisition of property or services required under Federal Award must be conducted in a manner providing full and open competition.
- ii. 200.213 Inventory Management (use of Federal Funds)
1. All equipment ~~used-acquired~~ by Vanguard Academy with use of Federal Funds will be used in the program or project for which it was acquired.
 2. All equipment and supplies ~~used-acquired~~ by Vanguard Academy with a Federal Award will be inventoried and records will be maintained, which will include a ~~Description~~ description, serial number, source of funding, acquisition date, and cost.
 3. A physical inventory will be conducted at least every two years.
 4. A control system will be in place to ensure adequate safeguards to prevent loss, damage, or theft.

5. If Vanguard Academy is authorized or required to sell the property, proper sales procedures must be established to ensure the highest possible return.

h. Disposition

Except as otherwise provided in Federal statutes, regulations, or Federal XIV. 5-4 awarding agency disposition instructions, ~~When~~ original or replacement equipment acquired under a federal award is no longer needed for the original project or program or for other activities currently or previously supported by a Federal awarding agency, ~~except as otherwise provided in Federal statutes, regulations, or Federal XIV. 5-4 awarding agency disposition instructions,~~ Vanguard Academy must request disposition instructions from the Federal awarding agency if required by the terms and conditions of the Federal award. Disposition of the equipment will be made as follows, in accordance with Federal awarding agency disposition instructions:

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24. Purchasing Agent Designated: The purchasing agent (the "Purchasing Agent") is hereby appointed and designated as Vanguard Academy's purchasing agent. The Purchasing Agent may from time to time appoint another person to undertake all or some of the duties of the Purchasing Agent set forth herein or appointed to ~~him~~the Purchasing Agent.

32. Authority to Enter into and Execute Contracts: All employment contracts are to be approved by the Director, with the exception of employees with a familial conflict of interest. Those employee contracts shall be approved by the ~~procurement/compliance~~ Procurement O-officer. Non-employee contracts shall be

approved by the ~~p~~Procurement ~~/compliance~~ ~~e~~Officer. No department, office, advisory or policy board or other organization of Vanguard Academy, nor any officer or employee thereof, shall be empowered to execute any purchase order or contract except as specifically authorized in this policy or by other applicable law. All contracts in violation of this provision are considered void and may result in the personal obligation and liability of persons at fault for such violations.

43. Conflict of Interests Prohibited: No officer, employee, agent, representative or member of any committee of Vanguard Academy shall have a financial interest in any contract, bid, or proposal; receive any compensation or gift from any bidder or proposer; or have any other conflict of interest (See Utah Code 67- 16 and 17-16a).

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- c. Failure to Disclose conflicts (see Utah Code 63G-6a-1205 & 67-16-9)¶
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- e. Cost-plus-a-percentage-of-cost contracts (see Utah Code 63G-6a-1205)

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98. When a procurement involves the expenditure of State or Federal funds, Vanguard Academy shall comply with the applicable State and Federal laws and regulations.

15.10.5-1 Authorization Requirements for Purchases

1. **Purchases up to \$1,000:** All purchases less than \$1,000 may be approved by Vanguard Academy's designated ~~purchasing~~ **Purchasing Agent**, as long as the purchases have been **approved by the Procurement Officer and are** budgeted for within the requesting department budget and are in line with the budgeted purposes and responsibilities of that department. Vanguard may make purchases from any vendor without obtaining competitive bids.

2. **Purchases over \$1,000:** All purchases of goods and services more than \$1,000 ~~must~~ **may** be approved by the ~~Director/Assistant Director~~ **Procurement / Compliance Officer**. If ~~the~~ ~~Procurement/Compliance~~ **Officer** is not available, purchases shall be approved by a non-conflicted member of the ~~finance committee~~ **Procurement Oversight Committee**. Documentation of the solicitation of at least 2 quotes (preferably 3) or reference to the exemption of those requirements must be attached.

3. **Purchases over \$5,000:** All purchases of goods and services over \$5,000 ~~must be~~ **overseen by the Procurement Officer and approved by the Procurement Oversight Committee** ~~need Finance committee approval~~. Documentation of the solicitation of at least two quotes (preferably 3) or reference to the exemption of those requirements must be attached. For small purchases defined in Utah Administrative Code R33-3-3, which will typically include purchases over \$1,000 up to \$50,000 of items other than professional services. Procedures set forth in the rule to purchase from the responsible vendor offering the lowest quote meeting the specifications. ~~If there are any conflicts with members of the finance committee, approval is required by the oversight committee.~~

4. **Purchases over \$50,000:** For ~~a~~ **All** purchases of goods and services over \$50,000, the school shall first identify anyone on the state's preferred vendor list to contract with. If a preferred vendor is not available, the school will ~~must be~~ **put out a** ~~for~~ **competitive bid**, with the ~~Procurement/Compliance~~ **Officer** overseeing the RFP from start to finish. The **Procurement Oversight Committee** shall review and score bids. ~~Unless an exception applies, for purchases of items other than professional services over \$50,000, an appropriate procurement process, such as Request for Bids or a Request for Proposals will be conducted.~~

5. **Avoidance of approval:** Purchases will not be artificially divided or other steps taken to avoid the approval process required by this policy.

- a. It may be determined after an order is placed or received that a large enough quantity was not ordered, or the correct sizes were not obtained, and additional items must be ordered. If this occurs, the employee initiating the purchase must include a written explanation of the purpose of the purchase and justification as to why it is not considered splitting a purchase. This should be retained with the vendor invoice

- b. Penalties for dividing purchases range from a class B misdemeanor to a second degree felony, depending on the total value of the divided procurement.

6. Competitive Bids - When Required

- a. All procurements of goods which are reasonably anticipated to exceed \$50,000 shall be obtained by the ~~procurement/compliance~~ Procurement Officer, ~~by obtained by~~ first, checking the state approved vendor list for a vendor that can meet the requirements of the purchase. If Vanguard seeks to award a contract to a ~~vendor~~ good or service that is not offered on the state approved vendor list, Vanguard's Procurement Officer will procure the services through a competitive sealed bidding process that will be reviewed by the Procurement Oversight Committee. The Board of Directors may also require competitive bidding for the procurement of goods and services for any amount.

- b. In the event that bids exceed available funds and the lowest responsive and responsible bid does not exceed funds available by more than five percent, the Board may, where time or economic considerations preclude re-solicitation of work of a reduced scope, negotiate an adjustment of the bid price, including changes in the bid requirements, with the lowest responsive and responsible bidder, in order to bring the bid within the amount of available funds.

- c. Content of Invitation for Bids. An invitation for bids shall:

- i. State that the Vanguard Academy is seeking bids for a procurement;

- ii. Contain information on how to contact the person with the most knowledge about the procurement;

- iii. State the period of time during which bids will be accepted;

- iv. Describe the manner in which a bid shall be submitted;

- v. State the address at which a bid may be submitted, and the person to whom the bid should be submitted;

- vi. Describe the goods or services sought to be procured;

- vii. List or refer to the objective criteria that will be used to evaluate the bids.

- viii. To the extent possible, include or reference significant contractual terms and conditions.

ix. State the date, time and place for the public opening of all bids.

x. An invitation to bid may require attendance at a pre-bid meeting for the purpose of obtaining additional information relevant to the bid. The invitation shall list the time, date and place of any pre-bid meeting that will take place.

xi. An invitation to bid may require that a bidder obtain additional specifications and objective criteria too lengthy to publish in the invitation for bids. The invitation to bid shall indicate where such information may be obtained.

d. All invitations for bids shall be published on the state procurement website at least 15 days prior to the deadline for submission of a bid.

e. Vanguard Academy shall reject bids from further evaluation that are: incomplete, illegible, conditional, modify bid requirements, contain additional terms or conditions, divide bid into parts, failed to attend required pre-bid meetings, fail to confirm requirements or specifications, the bidder has a pending dispute with the Vanguard Academy on a previous project or where the Vanguard Academy reasonably concludes that the bidder is unable to satisfactorily fulfill the bid requirements or has engaged in unlawful or unethical conduct in attempting to secure the bid. Any bidder whose bid has been rejected may obtain from the Vanguard Academy a written finding stating the specific reason the bid was rejected.

f. Vanguard Academy shall award the bid/contract to the lowest qualified bidder or the bidder who best satisfies the objective criteria described in the invitation for bids which may include: Experience, performance ratings, inspection of workmanship, suitability, quality, likely compatibility with existing assets or practices, availability, warrantee, references, licensure, proximity or other criteria reasonably specified in the invitation to bid.

g. Tied bids may be resolved using any reasonable criteria and at the sole discretion of Vanguard Academy.

h. Vanguard Academy may cancel the bid process or reject all bids in whole or in part if it determines that; no bids met bid requirements, there are insufficient funds, the item is no longer needed or the specifications or timing does not meet Vanguard Academy's current needs or long term plans. In the event of a bid cancellation Vanguard Academy shall publicly state the reason for the cancellation and make that information available for public inspection.

i. Exemptions from competitive bid requirements may include the following: Sole source providers, service contracts with professionals or specialists, emergency purchases. The Purchasing Agent shall sufficiently document the reason for not competitively bidding the procurement and have it approved by the Finance Committee.

j. Protests to the bidding process shall be submitted to the Vanguard Academy in writing within 5 days. The Purchasing Agent will respond to the protest within 5 days of receiving the complaint. The Purchasing Agent's decision may be appealed to the Finance Committee in writing within 5 days. The Finance Committee may address the appeal at its next regularly scheduled meeting or hold a special meeting to evaluate the merits of the protest appeal.

Procurement Code requirements connected with any contract term longer than five (5) years, including any automatic renewals or extensions will be followed. Any construction or real property improvements undertaken by Vanguard will be done in compliance with the requirements of the Procurement Code. All purchases made with restricted program funds should be identified and tracked as such.

Any alleged violations of this policy or applicable law should be reported in writing to the Vanguard Academy director and board of directors.