

**Department of Human Resources**

389 St. Clair Avenue

Grosse Pointe, MI 48230

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M. Jon Dean, Ed.D., Deputy Superintendent of Educational Services

May 20, 2021

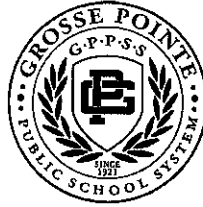
To: GPPSS Board of Education

From: Jon Dean, Deputy Superintendent

Re: BOE Policy Changes

The BOE Policy Committee met on May 10th to review recommended changes to our purchasing policies. These changes would not result in a change in purchasing practices. These recommended changes would simply align our policies with our current practices regarding cooperative purchasing.

I've included in the packet a copy of the current BOE policies, the proposed new policies and an email from our attorney regarding these changes.



|              |               |
|--------------|---------------|
| Book         | Policy Manual |
| Section      | 6000 Finances |
| Title        | PURCHASING    |
| Code         | po6320        |
| Status       | Active        |
| Adopted      | July 28, 2008 |
| Last Revised | June 25, 2018 |

### 6320 - **PURCHASING**

Procurement of all supplies, materials, equipment, and services paid for from District funds shall be made in accordance with all applicable Federal and State statutes, Board policies, and administrative procedures. Standards and conduct covering conflicts of interest and governing the actions of its employees engaged in the selection, award, and administration of contracts established in Policy 8110 Conflict of Interest.

All procurement transactions shall be conducted in a manner that encourages full and open competition and in accordance with good administrative practice and sound business judgement.

Each year the State of Michigan informs the School of the legal amount for purchases which require a formal bidding process of a single item.

It is the policy of the Board that the Superintendent adhere to the following:

- A. Seek informal price quotations on purchases that are under fifty percent (50%) of the amount allowed by State statute for a single item, except in cases of emergency or when the materials purchased are of such a nature that price negotiations would not result in a savings to the School.
- B. When the purchase of, and contract for, single items of supplies, materials, or equipment is in excess of fifty percent (50%) but less than the amount allowed by State statute the Superintendent shall whenever possible, require three (3) competitive price quotations.
- C. Purchases that are in excess of the dollar amount permitted by State statute shall require competitive bids and, whenever possible, have at least three (3) competitive bids for substantiation of purchase and shall require approval of the Board prior to approval to purchase.

### **Competitive Bids**

Competitive bids are not required for items purchased through the cooperative bulk purchasing program operated by the Michigan Department of Management and Budget pursuant to M.C.L. 18.1263.

#### **BIDDING PROCEDURE:**

A public bid notice shall be advertised at least once in a newspaper of general circulation in the District.

Bidder shall be required to file a bid bond of not less than (5%) of the amount of the bid, when dealing with construction bids. The bids under this section shall be opened, examined and read aloud at a public meeting.

The District may reject any and all bids; and if all bids are rejected, may re-advertise in the manner required in this section.

All bids must include a familial relationships affidavit of bidder, compliance with school safety regulation and any other regulations required by law.

Bids shall be sealed and shall be opened by the Deputy Superintendent, or Designee in the presence of at least one (1) witness. All orders or contracts should be awarded to the lowest responsible bidder; however, consideration can be given to:

- A. the quality of the item(s) to be supplied;
- B. its conformity with specifications;
- C. suitability to the requirements of the school;
- D. delivery terms;
- E. past performance of vendor.

The Board reserves the right to reject any and all bids.

Contracts may be awarded by the Deputy Superintendent for Business without Board approval for any single item or group of identical items costing less than the amount required by State Statute. All other contracts require Board approval prior to purchase.

### **Bid Protest**

A bidder who wishes to file a bid protest must file such notice and follow procedures prescribed by the Request For Proposals (RFP) or the individual bid specifications package, for resolution. Bid protests must be filed in writing with the Office of the Superintendent within (72) hours of the opening of the bids in protest.

Within five (5) days of receipt of a protest, the Superintendent shall review the protest as submitted and render a decision regarding the merits of the protest and any impact on the acceptance and rejection of bids submitted. Notice of the filing of a bid protest shall be communicated to the Board and shall be so noted in any subsequent recommendation for the acceptance of bids and awarding of contracts.

Failure to file a notice of intent to protest, or failure to file a formal written protest within the time prescribed, shall constitute a waiver of proceedings.

### **General Provisions**

The Superintendent is authorized to purchase all items within budget allocations.

The Superintendent is authorized to make emergency purchases, without prior approval, of those goods and/or services needed to keep the school in operation. Such purchases shall be brought to the Board's attention at the next regular meeting.

In order to promote efficiency and economy of the operation of the school, the Board requires the Superintendent periodically estimate requirements for standard items or classes of items and make quantity purchases on a bid basis to procure the lowest cost consistent with good quality.

Whenever storage facilities or other conditions make it impractical to receive total delivery at any one time, the total quantity to be shipped but with staggered delivery dates, shall be made a part of the bid specifications.

Before placing a purchase order, the Superintendent, or designee shall check as to whether the proposed purchase is subject to bid, whether sufficient funds exist in the budget, and whether the material might be available elsewhere in the school. All purchase orders shall be numbered consecutively.

### **Procurement – Federal Grants**

The Superintendent shall maintain a procurement and contract administration system in accordance with the USDOE requirements (34 CFR 80.36) for the administration and management of Federal grants and federally-funded programs. The District shall maintain a compliance system that requires contractors to perform in accordance with the terms, conditions, and specifications of their contracts or purchase orders. Except as otherwise noted, procurement transactions shall conform to the provisions of this policy. This policy will work in accordance with Policy 6325.

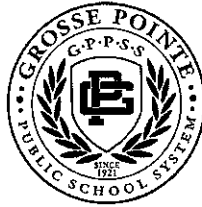
Revised 8/26/13

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Legal

M.C.L.A. 380.1267, 380.1274 et seq.





|         |                        |
|---------|------------------------|
| Book    | Policy Manual          |
| Section | 6000 Finances          |
| Title   | COOPERATIVE PURCHASING |
| Code    | po6440                 |
| Status  | Active                 |
| Adopted | July 28, 2008          |

#### 6440 - COOPERATIVE PURCHASING

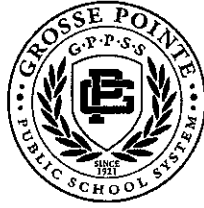
The Board of Education recognizes the advantages of centralized purchasing in that volume buying tends to maximize value for each dollar spent. The Board, therefore, encourages the administration to seek advantages in savings that may accrue to this District through joint agreements for the purchase of supplies, equipment, or services with the governing body(ies) of other governmental units.

The Board authorizes the Assistant Superintendent for Business, the Superintendent, the Technology Manager and Executive Director of Instructional Services to negotiate such joint purchase agreements for services, supplies, and equipment which may be determined to be required from time to time by the Board and which the Board may otherwise lawfully purchase for itself, with governmental contracting units as may be appropriate in accordance with State law, the policies of this Board, and the dictates of sound purchasing procedures.

Cooperative or joint purchases require an agreement approved by the Board and the participating contracting body(ies) which shall specify the categories of equipment and supplies to be purchased; the manner of advertising for bids and of awarding contracts; the method of payment by each participating party and such other matters as may be deemed necessary to carry out the purposes of the agreement. Such agreements are subject to all legal bidding requirements.

|       |                        |
|-------|------------------------|
| Legal | M.C.L.A. 124.1 et seq. |
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|         |                                     |
|---------|-------------------------------------|
| Book    | Policy Manual                       |
| Section | 6000 Finances                       |
| Title   | NEW SCHOOL CONSTRUCTION, RENOVATION |
| Code    | po6321                              |
| Status  | Active                              |
| Adopted | July 28, 2008                       |

### 6321 - **NEW SCHOOL CONSTRUCTION, RENOVATION**

Before beginning construction of a new school building, or an addition, repair or renovation of an existing school building, except emergency repairs, the Board of Education, shall obtain competitive bids on all the material and labor required for the complete construction of a proposed new building or addition to or repair or renovation of an existing school building.

This policy does not apply to buildings, renovations, or repairs costing less than the amount required by State Statute or to repair work normally performed by District employees.

The Board shall advertise for the bids required under subsection:

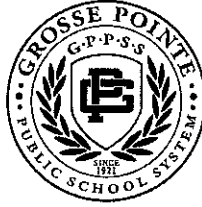
- A. By placing an advertisement for bids at least once in a newspaper of general circulation in the area where the building or addition is to be constructed or where the repair or renovation of an existing building is to take place and by posting an advertisement for bids for at least two (2) weeks on the Department of Management and Budget website on a page on the website maintained for this purpose or on a website maintained by a school organization and designated by the Department of Management and Budget for this purpose.
- B. By submitting the request for bids for placement on the Michigan Department of Management and Budget's website for school organizations, including a link to the District's website.
- C. The advertisement for bids shall do all of the following:
  1. specify the date and time by which all bids must be received by the Board at a designated location;
  2. state that the Board will not consider or accept a bid received after the date and time specified for bid submission;
  3. identify the time, date, and place of a public meeting at which the Board or its designee will open and read aloud each bid received by the Board by the date and time specified in advertisement;
  4. state that the bid shall be accompanied by a sworn and notarized statement disclosing any familial relationship that exists between the owner or any employee of the bidder and any member of the Board or the Superintendent of the District. A Board shall not accept a bid that does not include this sworn and notarized disclosure statement.
- D. The Board shall require each bidder for a contract under this policy, to file with the Board security in an amount not less than 1/20 of the amount of the bid conditioned to secure the District from loss or damage by reason of the withdrawal of the bid or by the failure of the bidder to enter a contract for performance, if the bid is accepted by the Board.
- E. The Board shall not open, consider, or accept a bid that the Board receives after the date and time specified for bid submission in the advertisement for bids as described in subsection C of this policy.



- F. At a public meeting identified in the advertisement for bids described in subsection C of this policy, the Board or its designee shall open and read aloud each bid that the Board received at or before the time and date for bid submission specified in the advertisement for bids. The Board may reject any or all bids, and if all bids are rejected, shall readvertise in the manner required by this policy.
- G. The maximum amount specified above amount required by State Statute is adjusted each year by multiplying the amount for the immediately preceding year by the percentage by which the average consumer price index for all items for the twelve (12) months ending August 31st of the year in which the adjustment is made differs from that index's average for the twelve (12) months ending on August 31st of the immediately preceding year and adding that product to the maximum amount that applied in the immediately preceding year, rounding to the nearest whole dollar. The current exempt amount must be confirmed with the Michigan Department of Education prior to issuing contracts for construction, renovation, or repair which exceed the amount listed in this policy.

Legal

M.C.L.A. 380.1267



|         |                                    |
|---------|------------------------------------|
| Book    | Policy Manual                      |
| Section | 6000 Finances                      |
| Title   | PROCUREMENT – FEDERAL GRANTS/FUNDS |
| Code    | po6325                             |
| Status  | Active                             |
| Adopted | June 25, 2018                      |

### 6325 - **PROCUREMENT – FEDERAL GRANTS/FUNDS**

Procurement of all supplies, materials, equipment, and services paid for from Federal funds or District matching funds shall be made in accordance with all applicable Federal, State, and local statutes and/or regulations, the terms and conditions of the Federal grant, Board of Education policies, and administrative procedures.

The Superintendent shall maintain a procurement and contract administration system in accordance with the USDOE requirements (2 CFR 200.317-.326) for the administration and management of Federal grants and Federally-funded programs. The District shall maintain a contract administration system that requires contractors to perform in accordance with the terms, conditions, and specifications of their contracts or purchase orders. Except as otherwise noted, procurement transactions shall conform to the provisions of the District's documented general purchasing Policy 6320.

All District employees, officers, and agents who have purchasing authority shall abide by the standards of conduct covering conflicts of interest and governing the actions of its employees, officers, and agents engaged in the selection, award, and administration of contracts as established in Policy 8110 – Conflict of Interest.

The District will avoid acquisition of unnecessary or duplicative items. Additionally, consideration shall be given to consolidating or breaking out procurements to obtain a more economical purchase. And, where appropriate, an analysis shall be made of lease versus purchase alternatives, and any other appropriate analysis to determine the most economical approach. These considerations are given as part of the process to determine the allowability of each purchase made with Federal funds.

To foster greater economy and efficiency, the District may enter into State and local intergovernmental agreements where appropriate for procurement or use of common or shared goods and services.

#### **Competition**

All procurement transactions shall be conducted in a manner that encourages full and open competition and that is in accordance with good administrative practice and sound business judgement. In order to promote objective contractor performance and eliminate unfair competitive advantage, the District shall exclude any contractor that has developed or drafted specifications, requirements, statements of work, or invitations for bids or requests for proposals from competition for such procurements.

Some of the situations considered to be restrictive of competition include, but are not limited to, the following:

- A. unreasonable requirements on firms in order for them to qualify to do business;
- B. unnecessary experience and excessive bonding requirements;
- C. noncompetitive contracts to consultants that are on retainer contracts;
- D. organizational conflicts of interest;

- E. specification of only a "brand name" product instead of allowing for an "or equal" product to be offered and describing the performance or other relevant requirements of the procurement; and
- F. any arbitrary action in the procurement process.

Further, the District does not use statutorily or administratively imposed State, local, or tribal geographical preferences in the evaluation of bids or proposals, unless (1) an applicable Federal statute expressly mandates or encourages a geographic preference; or (2) the District is contracting for architectural and engineering services, in which case geographic location may be a selection criterion provided its application leaves an appropriate number of qualified firms, given the nature and size of the project, to compete for the contract.

### **Solicitation Language**

The District shall require that all solicitations incorporate a clear and accurate description of the technical requirements for the material, product, or service to be procured. Such description shall not, in competitive procurements, contain features which unduly restrict competition. The description may include a statement of the qualitative nature of the material, product or service to be procured and, when necessary, shall set forth those minimum essential characteristics and standards to which it shall conform if it is to satisfy its intended use. Detailed product specifications should be avoided if at all possible.

When it is impractical or uneconomical to make a clear and accurate description of the technical requirements, a "brand name or equivalent" description may be used as a means to define the performance or other salient requirements of procurement. The specific features of the named brand which shall be met by offers shall be clearly stated; and identify all requirements which the offerors shall fulfill and all other factors to be used in evaluating bids or proposals.

The Board will not approve any expenditure for an unauthorized purchase or contract.

### **Noncompetitive Proposals**

Procurement by noncompetitive proposals allows for solicitation of a proposal from only one source and may be used only when one or more of the following circumstances apply.

- A. the item is available only from a single source
- B. the public exigency or emergency for the requirement will not permit a delay resulting from a competitive solicitation
- C. the Federal awarding agency or pass-through entity expressly authorizes 1noncompetitive proposals in response to a written request from the District
- D. after solicitation of a number of sources, competition is determined to be inadequate

### **Procurement Method**

The District shall utilize the following methods of procurement as outlined in Policy 6320.

### **Suspension and Debarment**

The District will award contracts only to responsible contractors possessing the ability to perform successfully under the terms and conditions of the proposed procurement. All purchasing decisions shall be made in the best interests of the District and shall seek to obtain the maximum value for each dollar expended. When making a purchasing decision, the District shall consider such factors as (1) contractor integrity; (2) compliance with public policy; (3) record of past performance; and (4) financial and technical resources.

The Superintendent shall have the authority to suspend or debar a person/corporation, for cause, from consideration or award of further contracts. The District is subject to and shall abide by the nonprocurement debarment and suspension regulations implementing Executive Orders 12549 and 12689, 2 CFR Part 180.

Suspension is an action taken by the District that immediately prohibits a person from participating in covered transactions and transactions covered under the Federal Acquisition Regulation (48 CFR chapter 1) for a temporary period, pending completion of an agency investigation and any judicial or administrative proceedings that may ensue. A person so excluded is suspended. (2 CFR Part 180 Subpart G)

Debarment is an action taken by the Superintendent to exclude a person from participating in covered transactions and transactions covered under the Federal Acquisition Regulation (48 CFR chapter 1). A person so excluded is debarred. (2 CFR Part 180 Subpart H)

The District shall not subcontract with or award subgrants to any person or company who is debarred or suspended. For contracts over \$25,000, the District shall confirm that the vendor is not debarred or suspended by either checking the Federal government's System for Award Management, which maintains a list of such debarred or suspended vendors at [www.sam.gov](http://www.sam.gov); collecting a certification from the vendor; or adding a clause or condition to the covered transaction with that vendor. (2 CFR Part 180 Subpart C)

### **Bid Protest**

The District maintains the following protest procedures to handle and resolve disputes relating to procurements and, in all instances, discloses information regarding the protest to the awarding agency.

A bidder who wishes to file a bid protest shall file such notice and follow procedures prescribed by the Request For Proposals (RFPs) or the individual bid specifications package, for resolution. Bid protests shall be filed in writing with the Superintendent within seventy- two (72) hours of the opening of the bids in protest.

Within five (5) days of receipt of a protest, the Superintendent shall review the protest as submitted and render a decision regarding the merits of the protest and any impact on the acceptance and rejection of bids submitted. Notice of the filing of a bid protest shall be communicated to the Board and shall be so noted in any subsequent recommendation for the acceptance of bids and awarding of contracts.

Failure to file a notice of intent to protest, or failure to file a formal written protest within the time prescribed, shall constitute a waiver of proceedings.

### **Maintenance of Procurement Records**

The District maintains records sufficient to detail the history of all procurements. These records will include, but are not necessarily limited to the following: rationale for the method of procurement, selection of contract type, contractor selection or rejection, and the basis for the contract price (including a cost or price analysis).

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2 C.F.R. 200.317 - .326



## **Section 5. General Purchasing.**

In order to maintain effective control over the purchase of supplies, materials and equipment for the District, the purchase of all supplies, materials and equipment shall comply with all applicable Board policies, as well as all applicable State and Federal laws, rules and regulations.

It is the general policy of the Board that the purchase of all supplies, materials and equipment be at the lowest possible cost in the best interest of the District and all purchases must be within budget allocations. All procurement processes should use good administrative practices and judgement and free of any real or apparent conflict of interest. All procurements are to be conducted in a manner which provides open competition as required by law. The lowest responsible bidder shall generally be awarded the contract; however, the Board reserves the right to accept any bid/proposal that it feels is in the best interest of the District.

If the reasonably anticipated purchase price for the supplies, materials or equipment exceeds the State of Michigan competitive bidding threshold, as adjusted annually, a procurement process with competitive bids/proposals is required. However, competitive bids/proposals are not required for the purchasing of food unless the food purchased in a single transaction costs \$100,000 or more. Board approval is required for purchases over the State of Michigan competitive bidding threshold, as adjusted annually.

Purchases made using competitive bids provided through the State of Michigan programs, other consortiums, or cooperative bids shall satisfy the requirements of this Policy, unless applicable State or Federal law requires otherwise.

The Board reserves the right to: i) accept or reject any and all bids/proposals, in whole or in part; ii) waive any informalities or irregularities in the procurement process or a bid/proposal; iii) award the contract to other than the lowest bidder.

## **Section 6. Purchasing with Federal Funds**

In order to maintain effective control over the purchase of supplies, materials, equipment and services with Federal monies or under a Federal grant, the District shall follow all applicable Federal laws, regulations and standards, as well as all applicable Board policies and applicable State laws, rules and regulations.

It is the general policy of the Board that the purchase of all federally funded supplies, materials, equipment and services be at the lowest possible cost in the best interest of the District and all purchases shall be within budget allocations. All procurement processes shall use good administrative practices and judgment and be free of any real or apparent conflict of interest. All procurements are to be conducted in a manner which provides open competition. The lowest responsible bidder shall generally be awarded the contract; however, the Board reserves the right to accept any bid/proposal that it feels is in the best interest of the District.

When purchasing supplies, materials or equipment with Federal monies or under a Federal grant, the procurement processes shall also be in accordance with and follow Section 5 – General Purchasing.

When procuring services with Federal monies or under a Federal grant, if the reasonably anticipated cost is less than \$150,000, then the District shall contact a reasonable number of potential vendors and obtain informal written quotes for the services from at least three (3) vendors, to the extent possible. If the reasonably anticipated cost for services which will be funded by Federal monies or under a Federal grant is at or over \$150,000, competitive bidding shall be used for the procurement of those federally funded services. If it is determined that a formal competitive process for the procurement of services costing less than \$150,000 is in the best interests of the District, the District may use an appropriate competitive bidding process to obtain bids/proposals for the services.

Procurement of federally funded supplies, materials, equipment or services through solicitation of a proposal from only one source may be used only when one or more of the following circumstances apply:

- The item can be verified to be only available from a single source;
- The public necessity or emergency will not permit a delay resulting from the competitive bid process;
- A noncompetitive bid/proposal is expressly authorized by the awarding agency; or
- After solicitation of a number of sources, competition is determined inadequate.

The Board reserves the right to: i) accept or reject any and all bids/proposals, in whole or in part; ii) waive any informalities or irregularities in the procurement process or a bid/proposal; iii) award the contract to other than the lowest bidder.

## **Section 7. Construction.**

### **A. General Guidelines**

1. The Superintendent shall develop an efficient system for the construction of new school buildings, and additions to, repair or renovation of, or energy conservation improvements to existing school buildings, and shall develop and implement administrative rules and procedures for District personnel regarding the same, that are in compliance with all applicable laws and this policy. All procurement processes should use good administrative practices and judgement and free of any real or apparent conflict of interest. All procurements are to be conducted in a manner which provides open competition.
2. Before commencing construction of a new school building, or addition to or repair or renovation of an existing school building, the Board of Education shall obtain competitive bids on all the materials and labor required for the complete construction of a proposed new building or addition to or repair or renovation of an existing school building.
3. Subsection A(2) of this section does not apply to the following:

- a. Repair work normally performed by School District employees;
- b. Construction of a new school building, addition to or repair or renovation of an existing school building if the total cost for the materials and labor costs less than the State of Michigan Competitive Bidding Threshold; and
- c. Emergency Repairs to School District Buildings. However, such emergencies must arise as a result of circumstances which if not timely repaired could affect the health, safety or welfare of the School District's students, staff or property. All emergency repairs must be reported to the Board after repair and should be ratified by the Board at its next regularly scheduled Board meeting.

B. Bidding Procedures

1. Construction projects where the materials and labor cost less than the State of Michigan Competitive Bidding Threshold may be made without obtaining competitive bids, provided that such procurement shall be made in accordance with School District Administrative Guidelines and applicable law. Projects may not be divided into subunits or separate contracts for the sole purpose of avoiding the State of Michigan Competitive Bidding Threshold or the bidding requirements of this Paragraph.
2. Construction Projects where the materials and labor cost an amount equal to or greater than the State of Michigan Competitive Bidding Threshold
  - a. The Board shall advertise for bids by placing an advertisement for bids at least once in a newspaper of general circulation in the area where the building or addition is to be constructed or where the repair or renovation of an existing building is to take place and by posting an advertisement for bids for at least two (2) weeks on the website designated by the State of Michigan and maintained for this purpose.
  - b. The advertisement for bids shall do all of the following:
    - i. Specify the date, time and location by which all bids must be received by the Board;
    - ii. State that the Board will not consider or accept a bid received by the Board after the date and time specified for bid submission;
    - iii. Identify the time, date, and place of a public meeting at which the Board, or its designee, will open and read aloud each bid received by the Board by the date and time specified in advertisement; and



- iv. State that the bid shall be accompanied by a sworn and notarized statement disclosing any familial relationship that exists between the owner or any employee of the bidder and any member of the Board or the Superintendent of the School District. The Board shall not accept a bid that does not include this sworn and notarized disclosure statement.
- c. The Board shall require each bidder for a contract under this Policy to file with the Board security in an amount not less than 1/20 of the amount of the bid conditioned to secure the School District from loss or damage by reason of the withdrawal of the bid or by the failure of the bidder to enter a contract for performance, if the bid is accepted by the Board.
- d. The Board shall not open, consider, or accept a bid that the Board receives after the date and time specified for bid submission in the advertisement for bids as described in Subsection B(2)(b) of this section.
- e. At a public meeting identified in the advertisement for bids described in Subsection B(2)(b) of this section, the Board, or its designee, shall open and read aloud each bid that the Board received at or before the time and date for bid submission specified in the advertisement for bids. The Board may reject any or all bids, and if all bids are rejected, shall re-advertise in the manner required by this Policy.
- f. Any procurement which ensues from a competitive bid solicitation shall be awarded to the lowest responsible bidder, and the purchase shall be approved by the Board of Education.
- g. Any construction projected funded in whole or in part by Federal monies or under a Federal grant, the School District must follow all applicable Federal laws, regulations and standards, as well as all applicable Board policies and applicable State laws, rules and regulations.
- h. All solicitation documents issued by the School District shall reserve in favor of the School District:
  - a. The right to accept or reject any or all bids, in whole or in part;
  - b. The right to waive any irregularities or informalities contained in any response/proposal to a bid solicitation to the extent not prohibited by law; and
  - c. The right to accept a bid other than the lowest bid.



Michael Jon Dean &lt;deanm@gpschools.org&gt;

## Fwd: GPPSS Procurement Policies

1 message

Amanda Matheson &lt;mathesa@gpschools.org&gt;

Tue, Apr 20, 2021 at 10:30 AM

To: Michael Jon Dean &lt;deanM@gpschools.org&gt;

Jon,

Please see below and attached from Dana regarding the proposed revisions to our procurement policies.

Let me know how you'd like to proceed with moving this forward.

Thank you.

Amanda M. Matheson  
Deputy Superintendent for Business Operations

Grosse Pointe Public School System

**Our Vision:** One GP – where *everyone* learns, *every* day

**Our Mission:** Promote Innovation → Maximize Potential → Embrace Community

----- Forwarded message -----

From: **Abrahams, Dana L.** <dabrahams@clarkhill.com>

Date: Mon, Apr 19, 2021 at 2:50 PM

Subject: RE: GPPSS Procurement Policies

To: Amanda Matheson <mathesa@gpschools.org>

Hi Amanda. Pursuant to your request, we reviewed the four (4) GPPSS Policies relative to purchasing, being: **Policy 6320**, entitled "Purchasing" covers supplies, materials, equipment and services, and is based on MCL 380.1274. **Policy 6440**, entitled "Cooperative Purchasing," covers the same ground, but permits purchasing from cooperatives, although it requires compliance with all bidding requirements. **Policy 6321**, entitled "New School Construction, Renovation," is limited to construction, and is based on MCL 380.1267. **Policy 6325**, entitled "Procurement – Federal Grants/Funds" relates to federal published in the CFRs.

Mark and I have discussed the same and recommend that GPPSS adopt the policies attached hereto, which are all part of our Clark Hill Model Policies. Please keep in mind if you, or the Board, desire to address items that are not contained in our attached model policies, we certainly could tweak the same, but we do not think you need to do so.

1. Section 5 – entitled "General Purchasing," covers in a much more concise way the areas addressed by the current (NEOLA) Policies 6320 and 6440, while also providing much broader authority for purchasing from cooperatives without the stringent requirements contained in your current policies. Our policy contains general requirements of a "procurement process using competitive bids/proposals," awarding of contracts to the lowest responsible bidder, within budget allocations, good administrative practices and judgment, and no conflicts of interest, without requiring the formal bid process currently contained in 6320. As far as cooperatives, the key paragraph states: Purchases made using competitive bids provided through the State of Michigan programs, other consortiums, or cooperative bids shall satisfy the requirements of this Policy, unless applicable State or Federal law

requires otherwise. This language permits use of cooperatives and consortiums without compliance with formal bidding procedures, as 6400 does. This should provide you with the flexibility that you are looking for. Our recommendation is that you repeal your current Policies 6320 and 6440, and replace the same with our "General Purchasing" policy, being Section 5 attached hereto.

2. While we are updating the District's general purchasing policies, we also recommend replacing the long, drawn out (NEOLA) Policy 6325, dealing with procurement using federal funds, with our model policy contained in Section 6. In keeping with the general theory of our model policies, we don't try to spell out exactly what the federal requirements are; rather, we hit a few general principles, and then provide that federal rules should be followed.
3. With respect to the policy governing construction, the GPPSS Policy 6321 and our model policy – Section 7 – are quite similar substantively, since both are based on specific requirements of 1267 – although we think ours is organized a bit better. As such, while we are updating the District's general purchasing policies, we also suggest that you repeal your current Policy 6321 and replace the same with our "General Purchasing" policy, being Section 7 attached hereto.

We may want to also discuss how you want to address services, electronic bid submissions and electronic bid opening processes.

#### **Dana Abrahams**

##### CLARK HILL PLC

151 S Old Woodward | Suite 200 | Birmingham, Michigan 48009  
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*Visit the Clark Hill PLC COVID-19 Thought Leadership Page to Stay Current On Issues*

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**From:** Abrahams, Dana L.  
**Sent:** Tuesday, April 06, 2021 8:48 PM  
**To:** Amanda Matheson <mathesa@gpschools.org>  
**Subject:** RE: GPPSS Procurement Policies

I will. It may be a few weeks, which I hope is OK, was I may be going out of town next week.

#### **Dana Abrahams**

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**From:** Amanda Matheson <mathesa@gpschools.org>  
**Sent:** Monday, April 05, 2021 9:20 PM  
**To:** Abrahams, Dana L. <dabrahams@clarkhill.com>  
**Subject:** Fwd: GPPSS Procurement Policies

[External Message]

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Dana,

I talked to Jon about these policies and the restrictions they impose. Can you assist with revisions so we can utilize cooperatives?

Amanda M. Matheson

Deputy Superintendent for Business Operations

Grosse Pointe Public School System

**Our Vision:** One GP – where *everyone* learns, *every* day

**Our Mission:** Promote Innovation → Maximize Potential → Embrace Community

----- Forwarded message -----

**From:** Amanda Matheson <mathesa@gpschools.org>  
**Date:** Wed, Mar 24, 2021 at 10:56 AM  
**Subject:** GPPSS Procurement Policies  
**To:** Dana Abrahams <dabrahams@clarkhill.com>

Policy 6440 - Cooperative Purchasing

Policy 6320 - Purchasing

Amanda M. Matheson

Deputy Superintendent for Business Operations

Grosse Pointe Public School System

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