



KENAI PENINSULA BOROUGH SCHOOL DISTRICT
Policy Review Committee Meeting
May 5, 2014
2:00 PM
Seward High School

AGENDA

- I. Call to Order
- II. Approval of notes from Policy Meeting of April 14, 2014 Page 2
- III. Information items
 - a. Information on recruiting re: remote site living expense
- IV. Previous discussions
 - a. *BP 3311 Bids Page 4*
 - i. Discussion on right to withhold payment for failure to file sales tax. Dave will talk with Colette.
 - b. *AR 3311 Bids Page 6*
 - i. *Dave will check on what other districts are doing with regard to appeal process.*
- V. New
 - a. BB 9320 Page 11
 - i. *Review for consideration in changing Regular Board Meetings from 7 PM to 6:00 PM or 6:30 PM*
- VI. Review of Section 3000
 - a. Continue reviewing SECTION 3000 Review - begin with BP 3315

Please bring your laptop

For most current agenda refer to http://www.kpbsd.k12.ak.us/students_parents.aspx?id=8922

Board Policy Review Committee Meeting Notes
Borough Conference Room C, 1:15 PM
Meeting Notes

Date/Time: April 14, 2014, 12:45 PM

Members:	Lynn Hohl – Present	Guests:
	Marty Anderson – Present	Sean Dusek – Present
	Dan Castimore - Present	Laurie Olson - Present
	Dave Jones – Present	Bette Gilliland – Present
	Sarge Truesdell - Absent	Tim Vlasak - Present
	Steve Atwater - Present	Mari Auxier - Present

Approval of Notes: The notes from March 3, 2013 meeting were approved as amended.

- Travel Feedback memo provided information requested on how travel is approved.
 - Committee expressed appreciation for the information with no additional direction at this time.
- Remote living site expenses to be provided at next meeting.
- *BP 3311 Bids*
 - In paragraph 1, suggestion to add something regarding justification for selecting a particular vendor.
 - Discussion on adding professional services and reporting these to the Board
 - Under Contractor’s Violations of Tax Ordinances
 - What does “not remedied within 10 days” mean? Discussion on deleting “which is not remedied within 10 days of notice.” And adding “The individual has 10 days to remedy the violation”.
 - In the second paragraph, our right to withhold payment for failure to file sales tax is stronger language than the Borough’s Ordinance. Dave will talk with Borough Attorney.
 - Need to reference Borough Ordinance at the bottom of the page.
- *AR Bids*
 - “Responsible” bidder or contractor: Question on whether need to define responsible since it is used in several places. Purchasing uses the definition “A vendor who can fulfill their obligation to supply what they propose to us in a bid or proposal. Have the financial resources, Insurance, etc. to provide proposed/bid product or service.” which is basically the dictionary definition of “responsible.” Additionally, responsible bidder qualifications are itemized under Bid Award.
 - ITB results public immediately upon award. Re-Cap posted on website.
 - RFP results not posted on website if District does not move forward with project.
 - Questions on bids such as B&G club for summer school, APQC, professional contracts – how do we choose? These are not put out for bid.

- Appeal process beyond superintendent is to the board and court within 3 days of the superintendent's decision. Do we want the appeal process expressed in the AR? Dave will check what other districts are doing.
- *AR 6153 School Sponsored Trips and E 6153(h) Indemnification Statement*
 - Concern and discussion about maintaining core of chaperones and staff which are responsible for staying with the group 24/7.
 - Under Chaperones, Number 5: Add "Each" to beginning of sentence and add "prior to the trip" at the end of the sentence.
 - Any free tickets given to the group are now spread out in value amongst the students participating.
 - In Guidelines section: Discussion on using the term "Requirements" vs "Guidelines". There is also reference to guidelines in Extended Field Trips (In-State) section. Note: This also refers to the KPSAA Handbook which does state "guidelines".
 - After much discussion, it was decided to leave number 5 at the superintendent level and clarify chaperone language.
- *AR 5131.7 Weapons and Dangerous Instruments*
 - Discussions on weapons approval. Proposed that the administrator brings to the superintendent. Discussions on using "a teacher with administrator" to avoid administrators who may be biased against guns in schools. Pass on as originally proposed.
 - Discussion on terminology – person vs student. Change "student" to "person" in first sentence of second paragraph under Weapons Report.
 - Pass on as originally proposed.
 - Move forward to Worksession

Next Meeting:

Continue review of Section 3000 starting at 3360

Meeting adjourned at 2:20 PM

BIDS

The District shall purchase equipment, supplies and services on a competitive bidding basis when required by law and whenever it appears to be in the best interest of the District to do so. Purchases with an estimated cost of \$15,000 or more shall be formally bid. Award or rejection of bids shall be managed by the Superintendent. The following items may not be subject to formal bid procedures.

1. books
2. proprietary (sole-source) items or services
3. supplies or equipment needed in emergencies
4. weekly or monthly food service purchases
5. goods or services provided under contract or from federal, state or local government contracts.

Purchases of \$5,000 or more but less than \$15,000 require formal quote procedures that include written price quotes ~~from requests to~~ a minimum of three (3) vendors. Awards will be made by the purchasing office subject to final approval by the Superintendent.

Purchases less than \$5,000 require, when practical, informal quote procedures that include verbal or written price quotes ~~s from request to a minimum of~~ three (3) vendors. Awards will be made by the purchasing office subject to final approval by the Superintendent.

To ensure that good value is received for funds expended, specifications shall be carefully designed and shall describe in detail the quality, delivery, and service required.

E-Rate Purchases

~~Purchases made pursuant to the E-Rate program, which is governed by the Federal Communications Commission, shall be made on a competitive basis subject to the provisions of this paragraph. Such purchases are not subject to any provisions in the school district purchasing policies or regulations that may be inconsistent with the E-Rate purchasing provisions.~~

~~The Superintendent is designated to oversee the E-Rate application process in order to ensure that it is accurate and that the equipment and services to be purchased are eligible for E-Rate funding. Said individual shall devise an open, fair, competitive bidding process, separate and apart from other District procurement policies, that meets all rules of the E-Rate program. This process~~

BIDS (continued)

~~shall be overseen by, and subject to the approval of, the Superintendent for the District. The Superintendent oversees the District's FCC E-Rate application process. E-Rate purchases follow local procurement policies except when in conflict with E-Rate rules, and in such cases, E-Rate rules, procedures, and practices shall prevail.~~

Contractor's Violations of Tax Ordinances

No contract or purchase order shall be awarded to any individual or business who is found to be in violation of the Kenai Peninsula Borough Code of Ordinances in the several areas of taxation which is not remedied within ten (10) days of notice.

Any contract can be terminated for cause if it is determined that the contractor is in violation of any taxation ordinance and if such violation is not remedied within ten (10) days of notification by regular mail. If the delinquency arises due to non-filing of sales tax, no payment will be made to the contractor until all filings have been made and all amounts due are remitted.

The District will remit any amounts owed by its contractor(s) to the Kenai Peninsula Borough for delinquent Borough taxes against any amount owing to the contractor(s) under a contract between the District and the contractor(s).

(cf. 9270 – Conflict of Interest)

*Legal Reference:*ALASKA STATUTES

14.14.060 Relationship between borough school district and borough

14.14.060 (h) Procurement of supplies and equipment

14.14.065 Relationship between city school district and city

14.03.085 Procurement preference for recycled Alaska products

29.71.050 Procurement preferences for recycled Alaska products

35.15 Construction Procedures

36.15.020 Use of local agricultural and fisheries products required in purchases with state money

ALASKA ADMINISTRATIVE CODE

4 AAC 27.085 Competitive pupil transportation proposals

4 AAC 31.080 Construction and acquisition of public school facilities

FAIRBANKS NORTH STAR BOROUGH SCHOOL DISTRICT v. BOWERS, 851 P.2d 56 (AK 1992)

KENAI PENINSULA BOROUGH SCHOOL DISTRICT

Adoption Date: 2/2/2009

BIDS

Except as otherwise defined in this regulation, every purchase with an estimated cost of \$15,000 or more shall be awarded by formal written contract or purchase order to the lowest responsible bidder, upon terms and conditions prescribed in this policy and described in the bid document whenever the District has power to:

1. Reject defective or non-responsive bids,
2. Reject all bids,
3. Rebid the purchase after making substantial changes in the bid list to bring estimated cost within the limit of funds available.

Bidder's List

The Superintendent shall develop and maintain a bidder list of responsible prospective contractors who ordinarily perform work or materials, or render service similar in character to that contemplated by the District. ~~Invitations~~ Invitation notifications to submit sealed bids in the form of a proposed contract shall be ~~sent~~ emailed to a minimum of three (3) to listed contractors or whenever work, materials or services provided by them responds to District needs. Failure of any listed contractor to receive a bid invitation does not invalidate the bidding procedure.

Changes and Addenda

No District employee or agent, as stated in the bid document, shall make any oral change in the bid documents or make any oral interpretation that may affect the substance of the bid document. Addenda shall be issued when questions arise that might affect bids.

When required, addenda shall be issued in the following manner:

1. Any addenda issued will be posted to the webpage, ~~and the District will make a reasonable effort to notify prospective bidders. However,~~ Prospective bidders will be responsible for checking the webpage for additional information and addenda.
2. An addendum issued less than four (4) working days before the deadline for receipt of bids shall include a new bid date at least four (4) working days after the original time of receipt of the addendum by the prospective bidder.
3. When addenda have been issued, receipt shall be acknowledged as part of the bid transmitted.

BIDS (continued)

Pre-Bid Conference

The purchasing officer, at his/her discretion may conduct a pre-bid conference at least seven (7) days prior to the deadline for bid submissions. All clarifications and questions answered at the conference that may affect the bid must be issued in the form of an addendum.

Nondiscrimination

All bidders are required to certify, as condition of potential bid award, that they will not discriminate against any employee or applicant for employment because of race, color, religion, national origin, ancestry, age or sex. They shall take affirmative action to insure that employees, applicants for employment or apprentices are employed, upgraded, demoted, transferred, recruited, laid off or terminated, paid or otherwise compensated, selected for training or trained in compliance with this requirement. A notice to this effect shall be posted in conspicuous places available to employees or applicants for employment.

Bid Opening Procedures

1. SUBMITTING – Sealed bids shall be submitted personally or by mail to the Superintendent or designee in accordance with the bid invitations and identified as bids on the envelope.
2. OPENING – Bids shall be opened in public at the time and place stated immediately after the closing time. Submission time should be in the afternoon of a normal business day that does not immediately follow Sunday or any postal holiday.
3. LATE BIDS OR POST DATE – All bids become qualified by receipt of envelopes at or before the specified bid opening time. Bids not received by the District prior to or at the specified time of submission will be marked with the date and hour of receipt on the envelope and returned unopened to the sender.
4. TABULATION – ~~Upon request a tabulation of bids shall be furnished to each bidder.~~ Tabulations are posted to the District website.

Bid Rejection

The District shall have the authority to reject any and all bids.

BIDS (continued)**Waiver of Irregularities**

The District shall have the authority to waive any and all irregularities on any and all bids except that timeliness and manual signature requirement shall not be waived.

Bid Award

A bid shall be awarded to the lowest responsible bidder. In addition to price, determination of the lowest responsible bidder shall consider:

1. Bidder ability, capacity, and skill to perform as required in bid specifications,
2. Bidder ability to perform within the time specified without delay or interference,
3. Bidder character, integrity, reputation, judgment, experience and efficiency of the bidder,
4. Quality of bidder performance of previous awards,
5. Previous and existing bidder compliance with laws and regulations relating to the bid,
6. Bidder financial resources that affect performance ability,
7. Number and scope of conditions attached to the bid,
8. Available replacements, replacement parts, maintenance service or anticipated costs of these items for any machinery, equipment or other material proposed to be installed or supplied by the bidder.

Bid Appeal**Appeal to Superintendent.**

Any party bidding or submitting a proposal for a contract or purchase order with the School District for \$25,000 or greater may appeal to the Superintendent in writing, personally received at the School District office, within three (3) business days of the date of notice of intent to award a contract. The appeal may be hand delivered, delivered by mail, or by facsimile and must comply with the requirements of this section.

BIDS (continued)

Contents of appeal.

A written appeal shall, at a minimum, contain the following:

1. The name, address, and telephone number of the interested party filing the appeal;
2. The signature of the interested party or the interested party's authorized representative;
3. Identification of the proposed award at issue;
4. A statement of the legal or factual grounds for the appeal;
5. Copies of all relevant documents; and
6. A fee of \$300.00 shall be paid to the School District and must be received by the deadline for filing the written appeal. This fee shall be refundable if the appellant prevails in the appeal to the Superintendent.

Rejection of appeal.

The purchasing officer shall reject an untimely or incomplete appeal or an appeal filed without timely payment of the required fee.

Stay of award.

If a timely and complete appeal is filed with the fee, the award of a contract or purchase order shall be stayed until all administrative remedies have been exhausted, unless the Superintendent determines in writing that award of the contract or purchase order pending resolution of the appeal is in the best interests of the School District.

Notice and response.

Notice of the stay and appeal shall be delivered to any party who may be adversely affected by the Superintendent's decision by facsimile, first class mail or in person within three (3) business days of receipt of a properly filed appeal.

Superintendent's decision.

The Superintendent shall issue a written decision to the appellant within ten (10) business days of the date that the appeal is filed. If multiple appeals have been

BIDS (continued)

filed, they may be consolidated for purposes of the decision. Copies of the appeal and decision shall be provided as requested.

Local Preference Conditions

KPBSD intends to give preference to local residents, businesses, contractors, producers and dealers to the extent consistent with the law and best interest of the public.

The District purchasing office shall purchase from the lowest qualified, responsive, and responsible bidder or business. When bids or quotes are within 5% of being equal, preference may be given to local businesses who operate within the Kenai Peninsula Borough if it is determined by the Superintendent to be in the best interest of the District. For the purpose of this policy, a local business is defined as: any business or company having a physical presence in the Borough, registered in the Borough to collect sales tax, and locally provides the products and services sought. The 5% policy may be applied to all purchases up to \$25,000.00.

This policy will not apply where the provisions of an applicable statute, regulation, or grant prohibit local bidder preference.

Subdivision Prohibited

No project or bid specifications shall be subdivided to avoid the requirements of this policy, but this provision does not preclude use of alternate deductible items.

MEETINGS

Meetings of the Board are conducted for the purpose of accomplishing District business. A meeting of the Board shall consist of any gathering of the members of the Board when more than four members of the Board, or a majority of the members, whichever is less, are present and collectively consider a matter upon which the Board is empowered to act. As a matter of District policy and state law, meetings ordinarily shall be open to the public. The Board may meet in closed sessions only to discuss certain matters as permitted or required by Alaska's Open Meetings Act.

(cf. 9321 Executive Sessions)

Reasonable public notice shall be given for all meetings of the Board in accordance with law and District practice, and shall be posted at all regular District and school sites before the meeting. Such notice shall include the date, time and place of the meeting and, if the meeting is by teleconference, the location of any teleconferencing facilities that will be used.

Worksessions prior to regular meetings as well as work on other committees are included as part of the expectations for Board service.

(cf. 9322 - Agenda/ Meeting Materials)
(cf. 9323 - Meeting Conduct)

Regular Meetings

The Board shall adopt a yearly calendar specifying the date, time and place of each regular meeting. The local media shall be provided with the annual calendar of regular Board meetings and shall be notified of any changes to the calendar.

The Board may hold 2 regular meetings each month. Unless changed by the Board, regular meetings shall be held at 7:00 p.m. at Borough Assembly Chambers. Notice of regular meetings shall be advertised as required by state law.

Worksessions

Worksessions shall be conducted as necessary on items for School Board member knowledge. Worksessions are public meetings. Public members may participate at the invitation of the Board President. A summary is given during the regular Board meeting.

Special Meetings

Special meetings of the Board may be called by the presiding officer or a majority of the Board members.

Except in the case of an emergency, notice of special meetings shall be provided at least 24 hours before the meeting. This notice shall specify the date, time, place and, if the meeting is by teleconference, the location of any teleconferencing facilities that will be used. Such notice shall be given to all Board members, the Superintendent and to the local news media. This notice also shall be posted at all regular District and school sites at least 24 hours before the meeting.

Notice of a special meeting shall include a statement of the purpose of the meeting. No business may be transacted at this special meeting, other than that which is specifically stated in the notice of the meeting.

Emergency Special Meetings

The Board president shall give notice of an emergency special meeting to the local media by telephone before the meeting. If telephone services are not functioning, the notice requirement is waived. In that event, as soon after the meeting as is practicable, the Board shall notify the local media that the meeting was held and shall describe the purpose of the meeting and any action taken by the Board.

Legal Reference:

ALASKA STATUTES

- 14.08.091 Administration*
- 14.14.070 Organization of school board*
- 14.14.080 Declaring a school board vacancy*
- 29.20.020 Meetings public*
- 44.62.310 Agency meetings public*
- 44.62.312 State policy regarding meetings*