

PURCHASING AUTHORITY

FILE: DJA

TITLE: Delegation of Authority

POLICY:

- (1) Purpose.

The purpose of this policy is to provide clarity with respect to the delegation of signature and approval authority related to the encumbrance of funds and/or the obligation of resources by The School Board of Orange County, Florida ("Board" or "district").

- (2) Facilitation of Agreements and Signature Authority.

(a) All agreements or other documents related to the procurement of commodities and contractual services, or the obligation of district funds, shall be facilitated by or through the Procurement Services Department.

(i) Procurements of commodities and contractual services, or the obligation of district funds, where the cumulative total value per fiscal year exceeds fifty thousand dollars (\$50,000.00) and/or multi-year agreements shall be approved by the Board prior to the signing of any agreement or other related documents.

(ii) Signature authority for all agreements or other documents specified above is vested in the Board. This signature authority is delegated to the Superintendent or designee for procurements of commodities and contractual services less than fifty thousand dollars (\$50,000.00) per fiscal year.

(b) All agreements or other documents related to the obligation of district resources, real estate agreements, land use agreements, interlocal agreements, revenue generating agreements (except those derived from a competitive process), grant agreements, or those agreements that have no monetary value shall be facilitated by the Office of Legal Services.

(i) The obligation of district resources, real estate agreements, joint use agreements, interlocal agreements, revenue generating agreements (except those derived from a competitive process), grant agreements, or those agreements that have no monetary value shall be approved by the Board prior to the execution of any agreement or related other documents. The Office of Legal Services has the authority to determine exceptions to this provision.

- (ii) Signature authority for all agreements or other documents specified above is vested in the Board. This signature authority may also be delegated to the Superintendent or designee as set forth herein.
 - (c) The Procurement Services Department and the Office of Legal Services are authorized to establish procedures governing the processing of all agreements.
- (3) Approval Authority.
 - (a) Generally.
 - (i) The Superintendent shall be responsible for the procurement of supplies, materials, equipment, and services paid for from School Board ("Board") funds. The Procurement Services Department shall serve as the Board's official purchasing agency. All procurements shall comply with laws, rules, regulations, and Board policies. The Superintendent or designee may approve or reject the procurement of commodities or contractual services when the total amount does not exceed fifty thousand dollars (\$50,000.00) or the current threshold set by statute. The procurement of commodities or contractual services in excess of fifty thousand dollars (\$50,000.00) or current threshold set by statute shall be approved by the Board except for as delineated below. The Board shall also have the authority to reject any or all proposals, responses, bids, or replies to any competitive solicitation and re-compete or procure the required commodities or contractual services in any manner authorized by this policy.
 - (ii) The Superintendent or designee is authorized to approve the procurements of commodities and contractual services, including those that are exempt from competition, where the total contract value does not exceed an amount prescribed by the Board and does not exceed the applicable appropriation in the district budget.
 - (iii) While multi-year agreements are encouraged where it is determined to be advantageous to the district, only the Board has the authority to approve and enter into multi-year agreements, regardless of value, and to obligate funds based on budget appropriation approval. All multi-year agreements must contain a provision that allows the district to terminate the obligation with thirty (30) days' advance notice based on a limitation of funding availability,

unless otherwise determined to be in the best interest of the district.

(iv) As set forth herein, the Board delegates limited authority to the Superintendent or designee, Department Heads, and School Principals relating to the procurement of commodities and contractual services for the Board in compliance with applicable federal and state laws, Florida State Board of Education Rules, Board policies, and administrative rules, procedures, and guidelines. In addition, the Board delegates certain authority to the Superintendent or designee and the General Counsel or designee with regard to handling matters relating to Chapter 120, Florida Statutes.

(v) Any procurements not specifically delegated to the Superintendent or designee, Department Heads, or School Principals must be approved in advance by the Board. No person, unless specifically authorized to procure commodities or contractual services under Board policies, may make any procurement or enter into any contract involving the use of school or Board funds. Payment for any unauthorized procurement may be the responsibility of the person placing the order.

(b) Superintendent.

(i) Authority is delegated to the Superintendent or designee to:

a. Approve procurements for departments and schools for Professional Services in an amount no less than five thousand dollars (\$5,000.00) and no greater than fifty thousand dollars (\$50,000.00) where no known competition exists as confirmed by the Procurement Services Department.

b. Approve procurements for commodities and contractual services up to fifty thousand dollars (\$50,000.00) per vendor per fiscal year, except where specifically set forth herein.

c. Delegate the approval authority for the procurement of the following commodities and contractual services without limitation as to the amount:

i. Emergency procurements as defined in Policy DJB;

ii. Regulated utilities or government-franchised services;

- iii. Media advertisements (newspaper, radio, television, etc.);
- iv. Subscription services;
- v. Professional association fees or membership dues for educational or non-profit organizations that serve the needs of the School Board;
- vi. Direct utilization via the Procurement Services website to the current contracted School Board vendor for Florida Department of Law Enforcement for Level II screenings of employees and vendors;
- vii. Travel expenditures and reimbursements in compliance with Accounts Payable travel procedures and Chapter 112, Florida Statutes; and
- viii. Postage.

(ii) Authority is also delegated to the Superintendent or designee to handle matters relating to Chapter 120, Florida Statutes, Administrative Proceedings, including administrative hearings, as follows:

- a. Ruling on motions to extend the deadline for filing a formal written protest or other petitions for administrative hearing;
- b. Entering final orders approving or rejecting administrative actions related to settlements, withdrawn petitions, voluntary case closures, and other undisputed procedural matters associated with the initiation or closure of administrative proceedings; and
- c. Executing final orders following Board action.

(c) General Counsel.

Authority is delegated to the General Counsel or designee to handle matters relating to Chapter 120, Florida Statutes, Administrative Proceedings, including administrative hearings, as follows:

- (i) Ruling on motions to extend the deadline for filing a formal written protest or other petitions for administrative hearing;

- (ii) Referring formal written protests or other petitions for administrative hearings pursuant to Section 120.57(3), Florida Statutes, to the Division of Administrative Hearings;
 - (iii) Entering orders determining whether a formal written protest or other petition for administrative hearing is timely and appropriately filed or meets required pleading requirements; and
 - (iv) Entering final orders approving or rejecting administrative actions related to settlements, withdrawn petitions, voluntary case closures, and other undisputed procedural matters associated with the initiation or closure of administrative proceedings.
- (d) Executive Cabinet Members.
- (i) Authority is delegated to each Executive Cabinet member or designee to approve the procurement of commodities and contractual services to the same extent provided to Department Heads and Principals as set forth herein.
 - (ii) Procurements of commodities and contractual services where the cumulative total value per fiscal year exceeds fifty thousand dollars (\$50,000.00) shall be pre-approved by the requisite Executive Cabinet member, facilitated by the Procurement Services Department, and approved by the Board.
- (e) Senior Director of Procurement Services.

The Board designates the Procurement Services Department as the Board's official purchasing agent, and accordingly, authority is delegated to the Senior Director of Procurement Services or designee to:

- (i) Determine the appropriate and most cost-effective purchasing method of contract procurement, including competitive solicitations, direct negotiations, and/or methods that allow the Board to take advantage of value discounts and special pricing agreements, where appropriate;
- (ii) Retain responsibility for conducting the sourcing process to ensure an objective effort to identify sufficient competition or determine if there is no competition;
- (iii) Approve the evaluation criteria for procuring commodities and contractual services, including any preference required or allowable by law or Board policy;

- (iv) Oversee and facilitate the competitive solicitation process in collaboration with the Board's end-user to create the competitive solicitation document; approve the specifications, terms, and conditions; select members of the evaluation committee; and receive, open, tabulate, and evaluate proposals, responses, bids, and replies in accordance with the provisions of this policy;
 - (v) Receive and process any and all notices of protest and formal written protests for the purpose of determining whether the notices or written protests are timely and have a timely and properly posted bond; hold informal resolution meetings as required by Chapter 120, Florida Statutes; dismiss any invalid bid protests as determined by the Office of Legal Services;
 - (vi) Approve and issue purchase orders for procurements made in accordance with Board policies;
 - (vii) Provide notice of active district contract expiration dates and customer assistance as a measure to assist customers in tracking ITBs, RFPs, ITNs, and other Board-approved contracts to ensure that the amount of funds encumbered by purchase orders does not exceed the budgeted funds approved by the Board;
 - (viii) Oversee negotiations with vendors when appropriate;
 - (ix) Oversee the Purchasing Card ("P-Card") Program;
 - (x) Establish a process by which vendors are determined to be responsive to the solicitation process and responsible with respect to their capability to perform the required work; and
 - (xi) Monitor delegated authority compliance.
- (f) Department Heads and Principals.
- (i) Department Heads and Principals shall use vendors approved by the Board, where available, unless otherwise approved by the Superintendent or designee.
 - (ii) Authority is delegated to Department Heads and Principals to approve the procurement of the following:
 - a. Commodities and contractual services, including Professional Services, in an amount not to exceed five thousand dollars (\$5,000.00) per vendor per fiscal year per department or school;
 - b. In such cases where the Board has not approved a vendor for the commodities or contractual services

needed, Department Heads and Principals may approve procurements exceeding five thousand dollars (\$5,000.00) but not greater than fifty thousand dollars (\$50,000.00) using a minimum of three (3) competitive quotes obtained by or facilitated through the Procurement Services Department. The formal competitive process may be deemed appropriate based on the complexity or nature of the requirement as determined by the Senior Director of Procurement Services or designee;

- c. Procurements of commodities and contractual services where the cumulative total value per fiscal year exceeds fifty thousand dollars (\$50,000.00) shall be pre-approved by the requisite Executive Cabinet member, facilitated by the Procurement Services Department, and approved by the Board;
- d. Department Heads and Principals may not divide the approval of the procurements of commodities or contractual services so as to avoid the delegated monetary threshold; and
- e. Any increase in the approved procurement amounts will be considered on the per year fiscal expenditure basis and will be subject to the processes described herein.

(iii) Internal funds are those used and administered by each individual school which are not directly supervised by the district through regular school budget sources. Principals are authorized to approve procurements utilizing internal funds as follows:

- a. Commodities and contractual services within the monetary guidelines established herein may be procured with internal funds for the following: graduation supplies and yearbooks; class pictures; class rings; prom; homecoming; dances; and fundraising projects and activities meeting the requirements of the applicable Board policies; and
- b. Commodities and contractual services which are to be paid from the internal funds of a school shall be procured according to Board policies, Administrative Rules, Florida Statutes, and procedures promulgated by the district.

(g) Delegation of Approval Authority for Capital Projects.

The Board delegates to the Superintendent or designee the authority to enter into and approve, on behalf of the Board, all contracts, work authorizations, guaranteed maximum price amendments, change orders, amendments, notices to proceed, contingency requests, and purchase orders (any of which is referred to herein as a "Contract Document") with respect to any project, so long as the existing Board approved budget for the capital project is not exceeded. The capital project budget may be specifically and separately approved by the Board or it may be deemed approved by the Board if it is included within the Board approved five (5) year work plan, as that plan may be amended and modified by the Board from time to time.

- (i) School Board Document Approval Authority. The Board or designee shall have the authority to approve the following:
 - a. Change orders, construction change directives, and amendments in an amount exceeding two hundred thousand dollars (\$200,000.00);
 - b. Time changes for change orders, construction change directives, and amendments in excess of one hundred twenty (120) days; and
 - c. Contingency requests in an amount exceeding two hundred thousand dollars (\$200,000.00).

- (ii) Superintendent Document Approval Authority. The Superintendent or designee shall have the authority to approve the following:
 - a. Agreements, work authorizations, and guaranteed maximum price amendments within the Board-approved budget;
 - b. Additive change orders, construction change directives, and amendments in an amount exceeding fifty thousand dollars (\$50,000.00) but no greater than two hundred thousand dollars (\$200,000.00);
 - c. Time changes for change orders, construction change directives, and amendments in excess of ninety (90) days but no greater than one hundred twenty (120) days;
 - d. Deductive change orders and construction change directives in an amount exceeding fifty thousand dollars (\$50,000.00); and

- e. Contingency requests in an amount exceeding fifty thousand dollars (\$50,000.00) but no greater than two hundred thousand dollars (\$200,000.00).
- (iii) Chief Facilities Officer Document Approval Authority. The Chief Facilities Officer or designee shall have the authority to approve the following:
- a. Agreements, work authorizations, and guaranteed maximum price amendments in an amount exceeding twenty five thousand dollars (\$25,000.00) but no greater than fifty thousand dollars (\$50,000.00);
 - b. Additive change orders, construction change directives, and amendments in an amount exceeding twenty five thousand dollars (\$25,000.00) but no greater than fifty thousand dollars (\$50,000.00);
 - c. Time changes for change orders, construction change directives, and amendments in excess of sixty (60) days but no greater than ninety (90) days;
 - d. All change orders for Owner Direct Purchases (“ODP”), Owner Control Insurance Programs (“OCIP”), and Reconciliations;
 - e. Deductive change orders and construction change directives in an amount exceeding twenty five thousand dollars (\$25,000.00) but no greater than fifty thousand dollars (\$50,000.00); and
 - f. Contingency requests in an amount exceeding twenty five thousand dollars (\$25,000.00) but no greater than fifty thousand dollars (\$50,000.00).
- (iv) Senior Facilities Director and Facilities Program Director Document Approval Authority. The Senior Facilities Director or designee and the Facilities Program Director or designee shall have the authority to approve the following:
- a. Agreements, work authorizations, and guaranteed maximum price amendments in an amount exceeding ten thousand dollars (\$10,000.00) but no greater than twenty five thousand dollars (\$25,000.00);
 - b. Additive change orders, construction change directives, and amendments in an amount exceeding ten thousand dollars (\$10,000.00) but no

greater than twenty five thousand dollars (\$25,000.00);

- c. Time changes for change orders, construction change directives, and amendments in excess of thirty (30) days but no greater than sixty (60) days;
 - d. Deductive change orders and construction change directives in an amount exceeding ten thousand dollars (\$10,000.00) but no greater than twenty five thousand dollars (\$25,000.00);
 - e. Contingency requests in an amount exceeding ten thousand dollars (\$10,000.00) but no greater than twenty five thousand dollars (\$25,000.00); and
 - f. All contract documents including Notice to Proceed, Work Authorizations, and Purchase Orders for Term Service Contracts.
- (v) Director, Department Head, Senior Facilities Manager, and Senior Facilities Manager for Portables Document Approval Authority. Directors, Department Heads, the Senior Facilities Manager, and the Senior Facilities Manager for Portables, or designees, shall have the authority to approve the following:
- a. Agreements, work authorizations, and guaranteed maximum price amendments in an amount no greater than ten thousand dollars (\$10,000.00);
 - b. Additive change orders, construction change directives, and amendments in an amount no greater than ten thousand dollars (\$10,000.00);
 - c. Time changes for change orders, construction change directives, and amendments no greater than thirty (30) days;
 - d. Deductive change orders and construction change directives in an amount no greater than ten thousand dollars (\$10,000.00); and
 - e. Contingency requests in an amount no greater than ten thousand dollars (\$10,000.00).
- (vi) In addition to the dollar limitation of two hundred thousand dollars (\$200,000.00) on a single change order, the cumulative cost of all change orders approved by the Superintendent or designee to a single contract cannot exceed the greater of two hundred thousand dollars

(\$200,000.00) or ten percent (10%) of the total value of the contract. The Board must approve all change orders that exceed this limitation. When calculating ten percent (10%) of the total contract value, it was determined to use the original contract value (i.e. ten percent (10%) of the original contract value). Furthermore, when calculating cumulative cost, deductive change orders for Owner Direct Purchases (“ODP”) and Owner Controlled Insurance Programs (“OCIP”) must be excluded.

- (vii) The limitations set forth above related to the delegation of approval authority for capital projects are summarized in the table below:

| Contract Document | School Board | Superintendent | Chief Facilities Officer | Senior Facilities Director or Facilities Program Director | Director or Dept. Head, Sr. Facilities Manager, Sr. Facilities Manager for Portables |
|--|---------------------|-----------------------|---------------------------------|--|---|
| Agreements, Work Authorizations and GMP Amendments | | Within Budget | \$50,000.00 | \$25,000.00 | \$10,000.00 |
| Change Orders, CCDs and Amendments Dollars | >\$200,000.00* | \$200,000.00* | \$50,000.00 | \$25,000.00 | \$10,000.00 |
| Change Orders, CCDs (Construction Change Directives) and Amendments Time | >120 days | 120 days | 90 days | 60 days | 30 days |
| Change Orders for ODP, OCIP and Reconciliations** | | | Approve All | | |
| Other Deductive Change Orders | | >\$(200,000.00) | \$(50,000.00) | \$(25,000.00) | \$(10,000.00) |
| Contingency Requests | >\$200,000.00* | \$200,000.00* | \$50,000.00 | \$25,000.00 | \$10,000.00 |

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|------------------------|--|--|--|-------------|--|
| Term Service Contracts | | | | Approve All | |
|------------------------|--|--|--|-------------|--|

**In addition to the dollar limitation of two hundred thousand dollars (\$200,000.00) on a single change order, the cumulative cost of all change orders approved by the Superintendent or designee to a single contract cannot exceed the greater of two hundred thousand dollars (\$200,000.00) or ten percent (10%) of the total value of the contract. The Board must approve all change orders that exceed this limitation. When calculating ten percent (10%) of the total contract value, it was determined to use the original contract value (i.e. ten percent (10%) of the original contract value). Furthermore, when calculating cumulative cost, deductive change orders for Owner Direct Purchases (“ODP”) and Owner Controlled Insurance Programs (“OCIP”) must be excluded.

SPECIFIC AUTHORITY: Sections 112.312; 119.07; 1001.42; 1001.43; 1001.51; 1006.27; 1010.01; 1010.04; 1011.01; 1013.45, Florida Statutes

Rule 6A-1.012, Florida Administrative Code

ADOPTED: 6/23/15