

BOARD OF EDUCATION OF HARFORD COUNTY INFORMATIONAL REPORT

DECISION ON DELETION OF BOARD POLICY

VENDOR SALES TO STUDENTS POLICY NO. 0032-000

November 6, 2023

Background Information:

The Board maintains a manual which sets forth the various policies of the Harford County Public Schools. The manual contains policies which are either required by federal and state law and regulation or which are, in the Board's judgment, necessary and appropriate for the school system to operate in a lawful, appropriate, and effective manner. Included among such policies is that entitled:

0032-000 Vendor Sales to Students

Discussion:

Board policy 0002-000 Contracts, establishes general criteria to ensure that contracts for the acquisitions of goods and services on behalf of the Board of Education are authorized and executed by proper officials designated to do so.

Board policy 0032-000 Vendor Sales to Students includes practices that contradict the requirements set forth in policy 0002-000. Allowing schools to make purchasing decisions outside of existing and approved HCPS contracts potentially violates state purchasing regulations and HCPS policy.

Attachments:

1. Current Board Policy 0032-000 Vendor Sales to Students

Superintendent's Recommendation:

For the foregoing reasons, the Superintendent recommends that the Board approve the deletion of the following Board policy.

- Current Board Policy 0032-000 Vendor Sales to Students

POLICY TITLE: Contracts		
ADOPTION/EFFECTIVE DATE: 1/25/1999	MOST RECENTLY AMENDED: January 11, 2016	MOST RECENTLY REAFFIRMED: 5/6/2002
POLICY/PROCEDURE MANUAL SUMMARY CATEGORY: Fiscal		

I. Purpose

The purpose of this policy is to establish general criteria to ensure that contracts for the acquisition of goods and services on behalf of the Board of Education, also known as Harford County Public Schools (HCPS), are authorized and executed by proper officials designated to do so. This policy does not apply to employment contracts or collective bargaining agreements.

II. Definitions

Contract means an agreement that creates obligations enforceable by law to which the Board of Education (HCPS) is a party.

III. Statement of Policy

A. Contract Review and Approval

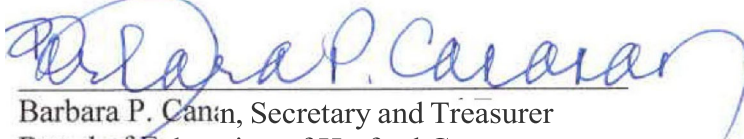
1. All contracts shall be reviewed and approved in accordance with procedures established by the Superintendent.
2. All contracts shall be evaluated as to fiscal impact in accordance with procedures established by the Superintendent.
3. Board approval of contracts.
 - a. All contracts with a value of \$100,000 or more must be approved by the Board of Education prior to the execution of the contract by the Superintendent. Purchases may not be subdivided for the purpose of avoiding Board approval under this policy.
 - b. The following contracts shall be reported to the Board for information purposes.
 1. Contracts that have a value greater than \$25,000.00; or,

2. Contracts that obligate either party to performance of contracted terms for a period in excess of one year no matter the value of the contract.

B. Contract Execution

1. The Superintendent is authorized to delegate to other HCPS employees the authority to execute contracts with a value less than \$100,000 in accordance with procedures established by the Superintendent.

Board Approval Acknowledged By:


Barbara P. Cann, Secretary and Treasurer
Board of Education of Harford County

Policy Action Dates					
ACTION		DATE	ACTION		DATE
Adopted		1/25/1999			
Reaffirmed		5/6/2002			
Amended		1/11/2016			

Responsibility for Policy Maintenance & References	
LAST EDITOR/DRAFTER NAME: Patrick P. Spicer, Esquire	JOB POSITION OF LAST EDITOR/DRAFTER: General Counsel
PERSON RESPONSIBLE:	JOB POSITION OF PERSON RESPONSIBLE:
DESIGNEE NAME: N/A	JOB POSITION OF DESIGNEE: N/A
POLICY NUMBER PRIOR TO NOVEMBER 1, 2005: 09-0002-000	

REFERENCES¹

References are set forth in the Policy.

¹ All references are to specific federal or Maryland statutes or regulations. References are provided for convenience and informational purposes only and are not to be considered as exhaustive or as precluding Harford County Public Schools from relying upon any other statutes, regulations, or legal authority in support of a policy.

POLICY TITLE: Vendor Sales to Students		
ADOPTION/EFFECTIVE DATE: December 8, 2014	MOST RECENTLY AMENDED	MOST RECENTLY REAFFIRMED:
POLICY/PROCEDURE MANUAL SUMMARY CATEGORY: 06-School Management		

I. Purpose

The purpose of this policy is to set forth criteria relating to the sale of merchandise or services by vendors directly to students on school grounds.

II. Definitions

A. Vendor means an individual or organization other than Harford County Public Schools (HCPS) excluding organizations directly affiliated to the school, such as PTA, PTO, and booster clubs, which a school permits to sell a service or merchandise directly to students during the school day on school grounds.

III. Statement of Policy

A. Only items or services set forth below may be sold directly to students by vendors.

1. School pictures which will appear in the school yearbook.
2. School yearbook.
3. Photography for school pictures.
4. Graduation items.
5. Class rings.
6. Other items as may be approved by the Principal.
7. Other items as may be approved by the Executive Director.

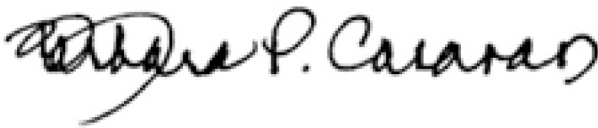
B. The principal of the school shall seek price quotations from three or more vendors regarding the sale of any of the above listed items or services.

C. The principal shall seek such price quotations in a fair manner providing any interested party an equal opportunity to submit a price quotation based

on a request for price quotation prepared by the principal which sets forth the relevant requirements for the item or service.

- D. Principals shall award contracts to the responsible vendor that provides the lowest responsive quote.
- E. No vendor contract shall exceed two years.
- F. Only the principal shall enter into a contractual relationship with a vendor.
- G. The principal shall maintain a record of the request for price quotation and all quotes received for a period of three years.
- H. The principal is charged with ensuring that all vendors conduct business in a commercially reasonable manner and without pressure sales tactics.

Board Approval Acknowledged By:



Barbara P. Canavan
Superintendent

Policy Action Dates		
ACTION DATE	ACTION DATE	ACTION DATE
Adopted 12-08-2014		

Responsibility for Policy Maintenance & References		
LAST EDITOR/DRAFTER NAME Jennifer Birkelien	JOB POSITION OF LAST EDITOR/DRAFTER Internal Auditor	
PERSON RESPONSIBLE: Patrick P. Spicer, Esquire	JOB POSITION OF PERSON RESPONSIBLE. General Counsel	
DESIGNEE NAME	JOB POSITION OF DESIGNEE	
REFERENCE 1 TYPE	REFERENCE 1 NO	REFERENCE 1 DESCRIPTION
REFERENCE 2 TYPE	REFERENCE 2 NO	REFERENCE 2 DESCRIPTION
REFERENCE 3 TYPE	REFERENCE 3 NO	REFERENCE 3 DESCRIPTION
REFERENCE 4 TYPE	REFERENCE 4 NO	REFERENCE 4 DESCRIPTION
REFERENCE 5 TYPE:	REFERENCE 5 NO	REFERENCE 5 DESCRIPTION
POLICY NUMBER PRIOR TO NOVEMBER 1, 2005:		