The Atlanta Public Schools (APS) must buy supplies, services, and construction from the business community to operate. The Atlanta Board of Education (Board) shall appropriate funds that will be used, pursuant to administrative regulations set forth by the superintendent, to procure the required goods and services, in accordance with the following stipulations:

1. The authority to purchase, i.e. the authority to obligate district funds to an agency outside of the APS, is vested in the superintendent, with the authority to purchase or contract to purchase materials, supplies, equipment, and services; to lease equipment and facilities necessary for educational programs and district operations; and to contract for renovations and construction. All purchases shall be in accordance with the policies, rules and regulations of APS, the State Board of Education, and in compliance with federal and Georgia laws. All such purchases and/or contracts shall be awarded contingent upon the availability of unrestricted funds in the approved operating or capital budget. All contracts must be signed by the superintendent or his/her designee.

2. All district employees shall encourage and promote, on an inclusionary basis, contracting opportunities for all businesses, especially local businesses, without regard to race, color, religion, sex, citizenship, ethnic or national origin, age, disability, medical status, military status, veteran status, marital status, sexual orientation, gender identity or expression, genetic information, ancestry, or any legally protected status.

3. All contractors and vendors desiring to do business with the APS and/or to participate on APS contracts shall be required to comply with board policy GAG Staff Conflict of Interest. All vendors and contractors doing business with the APS shall provide all persons with equal opportunity without regard to race, color, religion, sex, citizenship, ethnic or national origin,
age, disability, medical status, veteran status, marital status, sexual orientation, gender identity or expression, genetic information, ancestry, or any legally protected status.

4. All purchases and contracts for goods and services shall be made through the APS competitive process except for the following:

1. Purchases made through existing contracts or bids that have been established through a competitive selection process by another local, state or federal governmental agency or a purchasing cooperative.

2. Purchases of items and services that are only available from one source (excludable items), such as:
   a. Regulated utilities
   b. MARTA passes
   c. Postage
   d. Organizational/professional memberships
   e. Conference registration fees
   f. Certain periodical subscriptions available only from the publisher
   g. Notices required by law to be published in specific newspapers
   h. Testing materials from the test publisher or licensed agent
   i. Maintenance agreements from the original vendor or authorized agent when the same cannot be competitively bid
   j. Specific items mandated by state or federal agencies

3. Sole Source Purchases – Sole source purchases are defined as those purchases of goods or services that can only be obtained from one source in the marketplace. Such goods or services will usually be of a unique nature and have performance characteristics and/or other attributes that can only be obtained from that source.

4. Single Source Purchases – Single source purchases are defined as those purchases of goods or services that, for a justifiable reason such as compatibility or standardization, are obtained from one source among others in a competitive marketplace. Single source purchases may include contracted services or academic materials required from a specific source to meet an academic or professional learning program priority at the discretion of the superintendent.

5. Transactions valued under $2,000 for any item or group of items.

6. Emergency purchases, as described in section 8 of this policy.

5. All purchases and contracts for goods and services, except those excluded in section 4 of this policy, shall be subject to the following competitive procedures:
1. Purchases of any item or group of items with a value of $2,001 to $25,000 may be made at the school/department level provided that at least two (2) written quotes are obtained and maintained at the school/department level.

2. Purchases exceeding $25,000 require a formal solicitation process conducted by the superintendent or his/her designee.

3. In the formal solicitation process, bids from local businesses may be given preference in accordance with administrative regulations issued by the superintendent.

4. The district reserves the right to negotiate terms and conditions which may be necessary or appropriate to meet the needs of the district.

5. The district reserves the right to reject all bids when such action is in the best interest of the district.

6. Capital project contracts with a total annual value of $200,000 or greater, consultant contracts with a total annual value of $50,000 or greater, and all other contracts with a total annual value of $100,000 or greater must be approved by the board. On a quarterly basis, the Superintendent shall provide the board with a list of all consultant contracts entered by the district.

7. In cases when a vendor is unable or unwilling to perform after a contract has already been approved by the board, the superintendent or his/her designee may proceed to engage the next-highest rated vendor without repeating the board approval process so long as the total value of the contract does not exceed the amount approved by the board.

8. Emergency purchases of supplies or contracted services may be made when the superintendent or her/his designee determines that an emergency exists that threatens the health, welfare or safety of students, staff members, the district or the public. Such emergency procurements shall be made with as much competition as is practicable under the circumstances. At the regular legislative meeting the next month following an emergency purchase, the board shall receive a written report of all emergency procurements including the requestor, basis for the emergency, the selection process for the provider, the name of the provider, the amount, and a listing of the goods or services procured under the contract or purchase.

9. Except as otherwise provided by general law, no elected official, appointed officer, or employee of the APS or any office, department, or agency thereof shall knowingly violate the ethics requirements described in board policies BH Board Code of Ethics, GAGC Employee Ethics, and GAG Staff Conflict of Interest.

10. An agreement that is made by any APS employee who lacks the authority to enter into the agreement on behalf of APS shall not be binding upon APS. Any contract entered into by an APS employee outside the provisions of this policy shall be of no effect and void. Any APS employee who purchases or causes to be purchased goods or services outside the provisions of this policy
and its implementing regulations may be deemed personally liable for the cost thereof and may be subject to appropriate disciplinary action up to and including termination.

Exceptions

Nothing in this policy shall be construed to contradict any other Board policy.

Conformance with other Laws

No provision of the purchasing, contracting, and leasing policy shall be deemed to permit any expenditure of public education revenues outside the parameters of applicable state or federal laws.

Last Revised: XX/XX/2017
First Adopted: 3/11/1985

See also:
Board Policy BA  Goals and Objectives
Board Policy GAG  Staff Conflict of Interest
Board Policy GAGC  Employee Ethics
Board Policy GARD  Employee Hiring and Compensation

Legal citations:
O.C.G.A. 20-02-0109 Duties of superintendents
O.C.G.A. 20-02-0168 Distribution of federal funds; summer school programs; year-round operation
O.C.G.A. 20-02-0270 Establishment of statewide RESAs
O.C.G.A. 20-02-0506 Authority to enter into multiyear lease, purchase or lease purchase contracts
O.C.G.A. 50-05-0070 Purchases for county boards of education
O.C.G.A. 36-91-0020 Contracting & Bidding Requirements; written contract required; advertising; competitive sealed bidding; timing of addendums; prequalification
O.C.G.A. 36-91-0021 Competitive award requirements
O.C.G.A. 36-91-0022 Exceptions; use of inmate labor; emergency situations

Rule 160-5-4-.18 Bidding Requirements for State-Funded School Capital Outlay Projects
Rule 160-5-4-.11 Design Professional Contracts and Fees
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