

THE SCHOOL DISTRICT OF PHILADELPHIA

SECTION: 600 Finances

TITLE: Exceptions to
Purchases Subject to a
Competitive Process

ADOPTED: April 27, 1981

REVISED: January 30, 2020

611 EXCEPTIONS TO PURCHASES SUBJECT TO A COMPETITIVE PROCESS

Purpose

The Board of Education (“Board”) is committed to using School District of Philadelphia (“District”) funds to secure goods and services from reputable and responsible suppliers in a fair and competitive manner, in accordance with applicable laws, regulations and guidance, and in the best interests of the District. This policy identifies circumstances under which it may be appropriate for the District to acquire goods and services directly, without a competitive procurement process.

Authority

The Pennsylvania Public School Code authorizes the Board to adopt policies and procedures and to make rules and regulations to manage school affairs and fiscal well-being of the District.

[1][2][3][4][5][6]

Delegation of Responsibility

The Board delegates the responsibility to exercise oversight of decisions concerning whether the exceptions addressed herein are applicable to the District’s Purchasing Agent designated by Policy 610. [4]

The Office of Procurement Services (“Procurement Services”) shall develop administrative procedures necessary to implement this policy to ensure compliance with all applicable laws, regulations, and Board policies.

Procurement Services shall maintain guidelines regarding the exceptions to competitive procurements in its “Procurement Manual,” which shall be updated from time to time and posted on the District’s website.

Mandatory Regulatory Procedures

It is the policy of the Board that the District shall obtain competitive bids and proposals for materials, supplies, equipment and/or professional services where such bids or proposals are required by law or may bring about cost savings to the District. [4]

Nonetheless, there are circumstances where exceptions to competitive procurement law or Board policy are necessary to permit the District to make purchases without obtaining competitive bids or proposals. The District is permitted to utilize the following exceptions, and any other exceptions available by law, after approval from Procurement Services in consultation with the Office of General Counsel:

Emergency Procurement

Consistent with law, Procurement Services may make or authorize others to make an emergency procurement when there exists a threat to public health, welfare, or safety, continuance of existing school classes is threatened, the necessity of keeping vital equipment operative, or circumstances outside the control of the District create an urgency of need which does not allow the delay involved in using the competitive methods set forth in Policy 610. To the extent that additional Board approval of bids solicited under emergency circumstances is required, the Board hereby delegates authority to Procurement Services to approve such bids subject to ratification by the Board. [3][5][6]

Universal Service Program for Schools and Libraries (E-Rate)

E-rate purchases are those that qualify for federal funding via the Federal Communications Commission (“FCC”) Schools and Libraries E-rate Program, which makes telecommunications and information services more affordable for schools and libraries.

Sole Source/Proprietary Procurement

The District may obtain goods and services from sole source vendors when a valid condition set forth in the Procurement Manual exists, as determined by Procurement Services. [67]

The term of sole source contracts shall be determined by Procurement Services in consultation with the Office of General Counsel.

Legal References:

1. 24 P.S. § 5-510
2. 24 P.S. § 6-610
3. 24 P.S. § 7-751
4. Policy 610 - Purchases Subject To Competitive Process
5. 62 Pa.C.S.A. § 516
6. Policy 820 - Ratification of Contracts and Acceptance of Gifts
7. 62 Pa.C.S.A. § 515

Other references:

1. “Non-Competitive/Sole Source Procurement: Seven Questions”