

Administrative Procedures for Exceptions to Purchases Subject to a Competitive Process
(Attachment for Policy No. 611)

PURPOSE

The School District of Philadelphia (“District”) is committed to securing goods and services using District funds 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.

GUIDELINES

The Board has authorized the Office of Procurement Services (“Procurement Services”) to oversee decisions concerning when a program office may use the below procurement methods.

Detailed information regarding the implementation of the exceptions to purchases subject to a competitive process is available in the Office of Procurement Services’ (“Procurement Services”) Procurement Manual. The Procurement Manual, as updated from time to time, is available on the District’s website.

Program offices seeking to make purchases eligible for exceptions to a competitive process shall follow the guidelines in the Procurement Manual regarding, among other things, the process for approval and selection of vendors, and required documentation.

Emergency Procurement

Emergency purchases are made when a purchase requires a public solicitation and/or Board of Education (“Board”) approval, but the contracting process timeline would present a significant problem to the District as set forth in Policy 611 (“Policy”).

Three quotes shall be solicited unless, in the sole discretion of the District, a deviation from this requirement is permitted by law, set forth in the Procurement Manual, or approved by Procurement Services in consultation with the Office of General Counsel.

A written determination of the basis for the emergency and selection of the supplier or contractor (“vendor”) shall be submitted to the Board via an Action Item at the subsequent Board Meeting, and included in the procurement file within 30 days of the emergency procurement. In the event that the situation did not provide time for the District to enter into a written contract, the vendor shall present to the District an invoice and the District may pay the invoice so long as the amount does not exceed the approved quote.

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. There are five service types in the E-rate program: Data Transmission Services and Internet Access, Voice Services, Internal Connections, Managed Internal Broadband Services, and Basic Maintenance of Internal Connections.

An E-rate eligible purchase must follow both the FCC's rules as well as all relevant District procurement policies. To the extent that the FCC's procedure conflicts with or is inconsistent with District procedures, the most restrictive requirement will rule.

Sole Source/Proprietary Procurement

Sole source procurement occurs when there is a demonstrated obstacle to competition. In most cases, this occurs when only one supplier possesses the unique qualifications or product to meet the needs of the District. When doing a sole source procurement, it is imperative that the justification has been carefully reviewed and considered by Procurement Services and all options for a competitive solicitation have been evaluated and determined to be not feasible.

A program office may obtain goods and services from sole source vendors when acceptable justifications for a sole source procurement, as set forth in the Procurement Manual, exist. Such determination is made by Procurement Services.

MAINTENANCE SCHEDULE

Procurement Services shall review these administrative procedures annually.