

THE SCHOOL DISTRICT OF PHILADELPHIA

SECTION: Finance

TITLE: Cooperative
Purchasing

ADOPTED: April 27,
1981

REVISED: January 30, 2020

613 COOPERATIVE PURCHASING

Purpose

The Board of Education (“Board”) is committed to conserving financial resources and staff time, and the efficient and effective financial operations of The School District of Philadelphia (“District”).

The purpose of this policy is to establish the parameters within which the District may:

- Enter into agreements that shall include, but are not limited to, joint tax collections and joint purchasing of supplies, equipment and contractual services; and
- Make cooperative purchases. [1][2][3][4]

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, including with respect to procurements and vendor responsibility. [5]

Delegation of Responsibility

The Board authorizes the Superintendent or designee to enter into agreements with other political subdivisions, in accordance with existing laws, in making joint purchases of materials, supplies, or equipment. [1][2]

The District’s Purchasing Agent, designated by Policy 610, exercises oversight of decisions concerning approval of any agreements for the joint purchasing of supplies, equipment and contractual services, whether stemming from joint solicitations or cooperative purchasing programs. [4]

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

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

District employees at all levels are responsible and accountable for resources under their control, and all employees must adhere to the established policies, administrative procedures, and guidelines involving cooperative purchasing. Procurement Services shall provide annual training to all appropriate employees regarding procurement policies and procedures relating to cooperative purchases.

Mandatory Regulatory Procedures

The District may utilize a cooperative purchasing agreement from an external public entity to satisfy the requirement to seek competitive bids for the purchase of goods and services.

The basic criterion for selection of a procurement contract for a cooperative/joint purchasing agreement include:

1. Whether the contract was awarded by a public entity;
2. Whether the public entity followed its legally-required procurement process; and
3. Whether the item and/or service being purchased was included in the awarded bid.

The District may purchase items under a contract awarded by a public procurement unit or an external procurement activity if the public procurement unit or external procurement activity complied with the requirements governing its procurement of the contract. [6]

The District and all District vendors and their subcontractors entering into a contract via a cooperative agreement must comply with the District contracting and compliance requirements governing its procurement of supplies, services and construction. Contracting entities may not enter into a cooperative purchasing agreement for the purpose of circumventing this requirement. [6][7]

The District may not expend federal funds pursuant to a cooperative/joint purchasing agreement unless the cooperative/joint purchasing agreement entered into by the District with other entities or the existing joint purchasing agreement entered into by other entities and utilized by the District is compliant with the federal competitive selection laws and rules.

Legal References:

1. [24 P.S. § 5-521](#). [53 Pa.C.S. § 2301](#)
2. [Philadelphia Home Rule Charter: 12-309](#)
3. Policy 610 - [Purchases Subject to Competitive Process](#)
4. 62 Pa.C.S.A. § 1902
5. [24 P.S. § 5-510](#)
6. [62 Pa. C.S.A. § 1908](#)
7. [Policy 612](#)- Business Diversity in the Procurement of Materials and Contracted Services

Related Information:

1. The Federal Grant and Cooperative Agreement Act of 1977 (revised and incorporated in the provisions at Title 31 U.S.C. §§ 6301-6308)

2. Commonwealth Procurement Code: COSTARS
3. E-Government Act –GSA Federal Schedule 70
4. 53 Pa.C.S.A. § 2301. Intergovernmental Cooperation Law