

These regulations hereby establish the generally acceptable procedures to implement Policy DJB Procurement of Goods and/or Services.

**I. Definitions**

Within the context of these regulations, the following definitions apply:

- A. Blanket Purchase Order – A type of open-ended contract given to a vendor to purchase certain items from that vendor. The blanket order will define all terms, conditions, delivery instructions and other constant information, including prices for a specified period.
- B. Construction Contract – Fully executed document that defines a scope of work, terms and conditions, timeframe for completion, and costs.
- C. Digital Tool – (1) An online platform; (2) an online course; (3) information and communication technology services, including software and operating systems, that are directly connected to student instruction; (4) digital content; or (5) other digital technologies not requiring sight in an equally effective and integrated manner.
- D. Encumbrance – The financial reservation of budgeted funds for the purpose and use specified on a purchase order.
- E. Equivalent Access – The ability to receive, use, and manipulate information and operate controls necessary to access and use information technology, including by nonvisual means, so that a student with disabilities can access the same services as a student without disabilities with substantially equivalent ease of use. Equivalent access includes (1) keyboard controls used for input and synthesized speech; (2) braille; and (3) other audible or tactile means used for output.
- F. Letter of Intent – A preliminary contractual arrangement customarily used in situations where items, quantities, price, and delivery dates are known, but where the principal contract provisions are incomplete or have not been completed.
- G. Minority Business Enterprises – any legal entity, except a joint venture, that has the meaning stated in Section 14-301 of the State Finance and Procurement Article.
- H. Nonvisual Access – The ability to receive, use, and manipulate information and operate controls necessary to access information and communications technology through keyboard controls, synthesized speech, braille, or other methods not requiring sight.
- I. Open-Ended Contract – A Contract that establishes price but not delivery terms or quantity.
- J. Procurement Activity – The action of obtaining a contract or contracts.
- K. Procurement Card – A card used for obtaining goods and services that is used in compliance with established procedures.
- L. Purchasing Authority – The individual or office that has the authority to make a commitment for the expenditure of ACPS funds.
- M. Purchase Order – A form that is used as the vehicle to request the Purchasing Authority to procure goods or services from vendors. Upon approval, the purchase order becomes the document, which authorizes a vendor to deliver to the Board of Education goods and/or services required for system operations.
- N. Purchasing Cooperative – An entity that consists of a group of public agencies or intergovernmental organizations making purchases of goods or services.
- O. Quotation – A verbal or written offer by a vendor. Quotations should include the vendor's name, contract information, brief description of work, associated price, and date for delivery or completion of work.
- P. Single Source – the approval of a contract when there are no other competitive sources available, when the firm or vendor is specifically named on a grant, or when soliciting for competitive pricing would not be practical or feasible.
- Q. Specifications – A clear, complete, and accurate description of the goods and/or services required by the Board of Education in a quotation or bid from a procurement activity.
- R. Vendor – A person or company providing goods and/or services for a price.

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- S. Voluntary Product Accessibility Template – A document that explains how information and communication technology products such as software, hardware, electronic content, and support documentation meet (conform to) the most recent standards for information technology accessibility under Section 508 of the Federal Rehabilitation Act of 1973.
  - T. Accessibility Conformance Report (ACR) - a document that formally summarizes the extent to which an information and communications technology (ICT) product or service conforms to an agreed set of international accessibility guidelines and standards, e.g. applicable Section 508 Technical Standards. The product owner/developer must first test the product against those standards to complete an ACR. Currently, the most common way an ACR is completed is by using the VPAT® template created by the IT Industry Council (ITI).

## **II. Method of Procurement**

- A. All solicitations, regardless of the method used, will include the following basic elements.
  - 1. Scope of work and/or specifications in sufficient detail
  - 2. Date of delivery of goods or completion of services
  - 3. Pricing format, if applicable.
  - 4. Approval and signature by authorized individuals.
  - 5. A statement that any vendor must notify the school system if it is or becomes disbarred from federal contracts. Along with [www.sam.gov](http://www.sam.gov) confirmation from the grant manager of the same for new vendor.
- B. Solicitation of Digital Tools  
In addition to the basic elements required in subsection A, all solicitations for Digital Tools shall include the following elements.
  - 1. A requirement that the vendor submit an Accessibility Conformance Report that includes a Voluntary Product Accessibility Template, for the product.
  - 2. A requirement that the procurement contract will require a vendor to indemnify the ACPS for the liability and costs arising from the failure of the Digital Tool to meet the requirements of this Policy-Regulations, Section §7-910 of the Education Article of the Annotated Code of Maryland, and Section 508 of the Federal Rehabilitation Act of 1973.
- C. Except in situations where the Purchasing Authority recommends single source procurement, the Purchasing Authority shall attempt to purchase goods and supplies at the lowest possible price. Procurement of goods and services shall be made by the authorized purchasing authority.
  - 1. The purchasing authority for purchases by ACPS shall be the Superintendent or his designee.
  - 2. If the contemplated purchase of goods or supplies is expected to exceed the solicitation threshold, procurement shall be governed by Section §5-112 of the Education Article of the Annotated Code of Maryland.
  - 3. In appropriate situations, the purchasing authority may make single source procurements. Whenever single source procurements are made, the purchasing authority shall maintain documentation on:
    - a) Why there was only one product or service meeting the needs of the school system;
    - b) Why the vendor selected is the only practical source;
    - c) Why the price is reasonable; and
    - d) The efforts used to conduct non-competitive negotiations.
  - 4. When the price for the purchase of goods or services exceeds the amount of \$1,000,000.00 the purchasing authority will be the Board of Education.

**III. Award or Rejection of Contracts**

- A. A contract for the procurement of goods and/or services will be awarded to the lowest responsive and responsible bidder who conforms to specifications, with consideration given to:
  - 1. Quantities involved
  - 2. Time required for delivery
  - 3. Purpose for which it is required
  - 4. Competency and responsibility of the bidder
  - 5. Ability of the bidder to perform satisfactory service
  - 6. Plan for utilization of minority contractors when applicable

**IV. Award or Rejection of Contracts for Digital Tools**

- A. A contract for the procurement of a Digital Tool will be evaluated and awarded to the lowest responsive and responsible bidder who demonstrates:
  - 1. The ability of the Digital Tool to provide access for students with disabilities, including Nonvisual Access, in accordance with the technical standards for electronic and information technology issued under:
    - a) Subsection (a)(2) of Section 508 of the Federal Rehabilitation Act of 1973; or
    - b) Any other widely accepted and freely available technical standard.
  - 2. The ability of the Digital Tool to provide equivalent access to and independent usability by a student with disabilities; and
  - 3. The ability of the Digital Tool to enable a student with disabilities to acquire the same information, participate in the same interactions, and access the same services as a student without disabilities, with substantially equivalent ease of use.
- B. ACPS shall not approve a contract for a Digital Tool that fails to meet the requirements of this Policy-Regulation, Section §7-910 of the Education Article of the Annotated Code of Maryland, and Section 508 of the Federal Rehabilitation Act of 1973.

**V. Signing of Contracts**

- A. Contracts for amounts at or above \$1,000,000.00 are executed by the Board President and the Superintendent/Designee as appropriate.
- B. Contracts below \$1,000,000.00 are executed by the Superintendent or his designee.
- C. Principals will approve all contracts for school activity funds.

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