

## **P3300 VENDORS**

### **BOARD POLICY:**

**Responsible construction contractors (“Contractors”) desiring to provide construction services and responsible individuals and legal entities desiring to provide materials, goods, wares or services (“Vendors”) to the District shall be given the opportunity to participate in the applicable procurement process.**

Administrative Implemental Procedures:

#### **Construction:**

1. Contractors in certain disciplines are required to comply with BOE Policy 7130.
2. Contractors must sign up on the district electronic bidding website to receive and respond to a Request for Bid unless otherwise requested in the request.

#### **Contracts:**

3. Service providers shall be required to enter into a contractual agreement prior to providing the identified services.
4. All contracts to which a Contractor or a Vendor is a party must comply with K.S.A. 44-1030.

#### **Vendor Information:**

5. Contractors and Vendors shall notify the Purchasing Department of changes to address and contact information. Contractors and Vendors shall notify the Accounting Department with changes to their banking or remittance information.

#### **Debarment:**

6. The Division Director of Operations shall have the authority to debar a Vendor or construction contractor not prequalified (“Non-qualified Contractor”) under BOE Policy 7130 from consideration for award of contracts. Debarment shall not be for a period of more than three years. The Division Director of Operations shall also have the authority to suspend a Vendor or a Non-qualified Contractor from consideration for award of contracts. Suspension shall be for a period not to exceed three months.

Causes for debarment or suspension include the following:

- a. Conviction for commission of a criminal offense incidental to obtaining or attempting to obtain a public or private contract or subcontract, or in the performance of such a contract or subcontract.
- b. Conviction under state or federal statutes of embezzlement, theft, forgery, bribery, falsification or destruction of records, receiving stolen property, or any other offense indicating a lack of business integrity which currently, seriously, and directly affects responsibility as a contractor for the District.
- c. Conviction under state or federal antitrust statutes arising out of the submission of bids or proposals.
- d. Violation of contract provisions, as set forth below, of a character which is regarded by the Division Director of Operations to be so serious as to justify debarment action:
  - 1) Deliberate failure without good cause to perform in accordance with the specifications or within the time limit provided in the contract.
  - 2) A recent record of failure to perform or an unsatisfactory performance in accordance

with the terms of one or more contracts; provided failure to perform or unsatisfactory performance is not caused by acts beyond the control of the Vendor or Non-qualified Contractor.

- 3) Any other cause the Division Director of Operations determines to be serious and compelling as to affect the ability of the Vendor or Non-qualified Contractor to be a responsible bidder, including but not limited to debarment by another governmental entity.
7. If cause exists to debar or suspend a Vendor or Non-qualified Contractor, the Division Director of Operations shall notify the Vendor or Non-qualified Contractor in writing of such debarment or suspension. The notice shall contain the following information:
    - a. Reasons for the debarment or suspension.
    - b. Duration of the debarment or suspension.
    - c. A notification that the Vendor or Non-qualified Contractor has the right to file an appeal of such debarment or suspension to the Superintendent's designee of the District.
    - d. A notification that the appeal must be filed in writing with the Superintendent's designee within ten (10) business days from the date written notification of the debarment or suspension is received.
  8. The notice to the Vendor or Non-qualified Contractor of a debarment or suspension shall be sent to the Vendor or Non-qualified Contractor by certified mail to the Vendor's or Non-qualified Contractor's place of business and may also be delivered by other means.
    - a. The Superintendent's designee, upon receiving an appeal, shall hold an informal hearing where the Vendor or Non-qualified Contractor shall be allowed to present evidence.
    - b. The Superintendent's designee shall make a decision in writing that sets forth the reasons for the decision. The Superintendent's designee may uphold, reverse, or modify the decision of the Division Director of Operations. The decision of the Superintendent's designee shall be final.

**Conflict of Interest:**

9. The District's procedure to determine whether an individual is an independent contractor or an employee shall be followed before a contract is awarded.
10. An employee of the school district may supply products or submit a bid only if the employee:
  - a. Prior to providing products or preparation of a bid, has given written notification to their supervisor, Human Resources, and Purchasing Department that they intend to represent a Vendor or Non-qualified Contractor and may supply products or submit a bid to the school district.
  - b. Has contacted Purchasing to obtain a Professional Conflict of Interest Form and has submitted the form to Purchasing for determination;
  - c. Has taken the steps necessary to complete a vendor application which shall include the presentation of a taxpayer identification number for IRS reporting that is not an individual social security number;
  - d. Has acquired all necessary licenses and permits and retains appropriate liability insurance commensurate with the type of work required;
  - e. Shall have no participation in the preparation of the specifications and/or requirements for the purchase or development of final recommendation for purchase,
  - f. Understands that they will be precluded from providing delivery of the product to the

- requesting building/department during their scheduled work hours; and,
- g. Understands that they will be precluded from utilizing any district equipment or resources to complete delivery of product unless specifically identified in the specifications and/or requirements or approved by the Division Director of Operations or designee.

**System for Award Management:**

11. District purchases funded by federal dollars may not be made from Contractors or Vendors listed on the *System for Award Management ("SAM")* formerly known as the *Federal Excluded Parties List System ("EPLS")* and should be reviewed each time federal dollars in excess of \$20,000 are involved in a purchase.

**Sales Tax Exemption:**

12. In accordance with K.S.A. 79-3606, the District's Standard Sales Tax Exemption Certificate does not apply to materials, goods, wares for construction, repair, renovation, remodel of real property, or equipment attached to facilities or grounds. The Purchasing Department will issue a Kansas Project Exemption Certificate ("PEC") for such project work. It is to be understood:
  - a. The PEC must be provided to the Contractor or Vendor BEFORE work begins.
  - b. Only materials to be incorporated into the stated project may be exempted from sales tax.
  - c. Purchase of said materials must fall within the valid period stated on the face of the PEC.
  - d. The Contractor or Vendor is responsible to furnish this PEC number to all suppliers from whom such material purchases are made.
  - e. Upon completion of the project and before the final payment can be made, the Contractor or Vendor must provide a Project Completion Certificate.
  - f. Contractors or Vendors must maintain and hold all invoices and exemption certificates for a period of five (5) years and understand documents are subject to audit by the Kansas Department of Revenue.

Administrative Responsibility: Operations Division – Purchasing

Latest Revision Date: November 2019

Previous Revision Date: October 2017 P3300

Updated administratively for alignment purposes: December 2020