

Administrators Operating Guide is intended to supplement and define Board policies, serve as administrative regulations and official directives.

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12.1 CONTRACT INFORMATION

All Service Contracts

All contracts should include a scope of services, standard terms and conditions, contractor rates (if applicable), and a not-to-exceed amount. All service contracts/financial agreements must be written and require the approval by an authorized individual (see Exhibit 1) prior to the obligation of any District resources. Any such contract/agreement by another employee, unless the contract/agreement is subsequently ratified by the Superintendent or designee, is not an obligation of the District.

Please see the [Background Procedures for Other Employees](#) to know how a contractor will be paid and what process must occur BEFORE work is performed.

Except for the professional services listed below, all service contracts must follow the procurement procedures outlined in Section 7 of the AOG.

Exempt Professional Service Contracts

Exempt Professional Services include services that fall within the scope of the practice of:

Accounting	Optometry
Architecture	Professional Engineering
Attorney	Real Estate Appraising
Landscape Architecture	Professional Nursing
Land Surveying	Financial Consulting
Medicine	Technology Consulting

The Texas Attorney General Opinion has recognized that Professional Services may also include members of disciplines requiring special knowledge or attainment and a high order of learning, skill, and intelligence including guest speakers, consultants, writers, and artists. See DM 410(1996)

The purchasing requirements of Section 44.031 of the Education Code do not apply to a contract for professional services rendered, including the services of an architect, attorney, or fiscal agent.

Competitive bids shall not be solicited for professional services of any licensed or registered certified public accountant, architect, landscape architect, land surveyor, physician, optometrist, professional engineer, state-certified or state-licensed real estate appraiser, or registered nurse. The selection of a provider of professional services shall be based on demonstrated competence and qualifications to perform the services; fair and reasonable price; must be consistent with and not higher than the recommended practices and fees published by the applicable professional associations; may not exceed maximum provided by law.

- Exhibit I is applicable for purchases that require signed contracts, or exceptions to TISD standard terms and conditions.
- Routine categorical purchases from an authorized/compliant vendor (e.g., office supplies or food items from an approved caterer) normally will not require additional approval beyond the normal purchasing procedures.

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12.1 CONTRACT INFORMATION, cont'd

Written contracts, agreements, MOU's and other documents legally obligating Tyler ISD, that provide services to any campus or department for any reason, must be approved by the appropriate department head, principal, respective executive director, and chief officer supervising the department or school.

- Campus non-term (one-day) consultative contracts, agreements for workshops, programs, performances, etc., that are **\$500 or less** will require the signature of the principal. These must be completed prior to the date of the service, etc.
- Administrative departments non-term (one-day) consultative contracts, agreements for workshops, programs, etc., that are **\$500 or less** will require the signature of the department head. These must be completed prior to the date of the service, etc.

All contracts, agreements or MOU's **over \$500** will require the signature of the Assistant Superintendent of Finance & Operations.

Any contract valued more than \$50,000 will require board approval.

Certain types of contracts may require initial negotiation, draft, and review by the District's general counsel. The respective chief officer will route any contract in need of review by general counsel through the Assistant Superintendent of Finance & Operations.

See purchasing webpage for contract flowchart.

Exclusions:

- Fundraisers
- State/Co-op contracts (contract #'s should be shown in the Justification box of the check request or purchase order).

Other Notes:

- Multiple workshop dates by the same company or consultant should be under one contract – not separate contracts for each date.
- Workshops, performances for multiple locations by the same company or consultant should be under one contract – not separate by dates.
- When a contract is for multiple locations and a department pays part and the campus pays part – the total of the payment to the vendor should be the amount of the contract. Do not use separate contracts for each location.

District employees are encouraged to use the Contract for Consulting Services form for any consulting contract. It is on the the Financial Services website under Financial Services Forms, Financial Documents and Forms.

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12.2 LEASE PURCHASE CONTRACTS

Lease purchase contracts are purchases and will follow the guidelines of the District's Purchasing Procedures.

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12.3 CONSTRUCTION CONTRACTS

Construction contracts are developed from quotations (amounts less than the State bid limit) or bids and subsequent negotiations. Additional terms and conditions of all contracts must be carefully reviewed for additional costs. The Superintendent or designee will sign all construction contracts.

Board policies regulating the construction of school facilities are set out in policy: CV (generally); CVA (competitive bidding); CVB (competitive sealed proposals); CVC (design/build contracts); CVD, CVE (contracts using a construction manager); and CVF (job order contracts for minor repairs/alterations).

Change Orders

Unless allowed in the original contract, a change order to a construction contract is an amendment to the original construction contract and requires the same approval procedures as required for the original contract.

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12.4 COPY DISTRIBUTION OF ALL CONTRACTS

An original copy of all Board approved contracts shall be forwarded to and filed in the Deputy Superintendent's office. A photocopy may be kept on file in the originating office.

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12.5 CONSULTANT TRAVEL *

Some consultant contracts require the District to reimburse the consultant for travel expenses. In these instances, special guidelines must be used:

- Upon request, the Department or Campus hosting the consultant will arrange airline reservations and/or hotel accommodations.
- Car rentals will be limited to not more than a mid-size automobile.
- Reimbursements for consultant-owned cars will be limited to the current mileage reimbursement rate

The Superintendent or designee must approve any deviations from the above.

* It is recommended that the contract with the consultant specifies no reimbursement for travel costs; the fee should include the total to be paid.

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12.6 PAYMENTS TO NON-EMPLOYEES FOR CONTRACTUAL SERVICES

Except for the Exempt Professional Services in Section 12.1, all contractual services must follow the guidelines in Section 7.

Payments to individuals not employed on a regular basis by TISD may require such evidence as requested to guarantee that the individual is performing a service that is both necessary to the educational program of the TISD, and one for which the individual is in business to provide, on a full or part-time basis, as an on-going activity to multiple service receivers.

The following procedure shall apply to the payment of the financial obligation arising from the contract or agreement:

Single Payment Method

In those instances where one payment is required, the chief administrator who receives the service, product or benefit will prepare a properly coded Check Request to submit, along with an attached invoice and/or copy of the contract agreement, to Financial Services for processing.

Multiple Payment Method (Leases, Rentals, Lease Purchases)

In those instances where multiple payment installments are required, the chief administrator will prepare a properly coded Check Request or planned purchase order for the first installment, indicating the following information::

1. Description of agreement
2. Number of installment payments and frequency
3. Amount of each payment
4. Total of all payments
5. Initial payment due date

The originating campus/department will enter a Check Request or Purchase Order for subsequent installments, as needed. If circumstances arise which void the contract or agreement, Financial Services must be notified immediately.

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12.7 RESULTING MATERIALS RECEIVED

When supplies or materials are acquired for the District as a result of a contracted service, consideration should be given to the relative value of the supply versus the service involved to produce it. This comparison has ultimate expenditure code consequences. In general, parts and labor are both included in 6249.

As an example, the cost of the paper and ink required to print the “School Times” is less than the cost of the printing efforts by the vendor; therefore, this bill is a service and should be coded to Object 6299.

Another example is the repair of a copier, which requires the installation of a new drum. The cost of the drum is significantly greater than the cost of the installation; therefore, this bill is a supply and should be coded to Object 6399.

Both examples above assume a single invoice with the separate cost not detailed.

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12.8 COMPETITIVE FOOD POLICY

The Food Service Department of the TISD will establish rules and regulations necessary to control the sale and distribution of foods within the immediate proximity of the local school's food service areas. This control is to minimize the direct competition with meals served under the National School Lunch and Breakfast programs during lunch and breakfast periods.

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12.9 VENDING MACHINES

Contracts for vending machines will be processed through the Purchasing Department of the TISD. Products for these machines determined to be of minimal nutritional value as defined by FNS (Food and Nutrition Service) of the U.S. Department of Agriculture, shall not be sold in the general proximity of the food service areas.