

Regulation ANNE ARUNDEL COUNTY PUBLIC SCHOOLS

Related Entries: Policy DEC, Policy 405.03, AR405.03
Responsible Office: SUPERVISOR OF PURCHASING

VENDOR RELATIONS

1. The Supervisor of Purchasing will contract with responsible contractors who give the assurance of delivery, reliable products, maximum value for dollars spent, and other advantages. It is the responsibility of the Purchasing Office to appraise suppliers and contractors on these bases.
2. The Purchasing Office will develop an appropriate mechanism to inform suppliers and contractors of bidding opportunities with Anne Arundel County Public Schools.
3. The Supervisor of Purchasing has the authority, for good cause, to suspend for up to three years or debar for a period of time in excess of three years, suppliers and contractors from bidding on Board business.
4. With the exception of suppliers and contractors that have an appointment with the principal or staff, solicitation by suppliers and contractors during school hours is prohibited.
5. It is not permissible for staff to favor any particular individual or firm with the purchase of supplies or services or to give those submitting bids or quotations information that would give one advantage over others seeking Board business, except as otherwise provided in policy or regulations.
6. Board members and employees of the Anne Arundel County Public Schools may not accept gifts, entertainment, gratuities, travel, living expense, fees or honoraria from suppliers or contractors for any reason, including for addresses or papers given before supplier audiences.
 - a. Unsolicited gifts that are perishable or otherwise useful in the operations of Anne Arundel County Public Schools may be donated in the name of the supplier or contractor through the 21st Century Foundation for reallocation within the school system. A letter of explanation will be sent to the supplier or contractor notifying them of this action and the appropriate method to make donations.
 - b. Suppliers and contractors will be notified that the giving or offering of a gift or series of gifts to a Board official or employee is improper and may

result in disqualification from future work on the grounds that the donor/offeror is no longer a responsible supplier or contractor.

- c. For purposes of this policy a gift is defined as a single gift or series of gifts that exceed \$25 in value in a calendar year from any person, entity, or employee of an entity that is under the authority of the school system or has or is negotiating a contract with the school system, except where such gift would not present a conflict or interest as determined by the Anne Arundel County Public Schools' Ethics Panel. Gifts include the transfer of any service or thing of economic value regardless of form without adequate and lawful consideration. This section does not include anything that may be received during scheduled events that are part of a program for professional conferences that are offered or sponsored equally to all members and/or participants.
7. Board members and employees of the Anne Arundel County Public Schools may not purchase materials, supplies or equipment for their private use, or the private use of others, through the resources of the Purchasing Office.
 8. The Purchasing Office will resolve contract and procurement disputes as set forth here in unless there is another process set forth in a contract to which The Board is a party.
 - a. Suppliers and contractors shall formalize the dispute in writing and send it to the applicable buyer or the Supervisor of Purchasing within 10 calendar days following the date that the decision on the matter being disputed is made or becomes known to the supplier or contractor. Any dispute that is not sent to the applicable buyer or the Supervisor of Purchasing within 10 calendar days will be considered untimely and dismissed.
 - b. The Supervisor of Purchasing has the authority to resolve disputes through negotiations when necessary. Disputes that cannot be resolved shall be addressed in the Protest Procedures as described below.
 - i. A supplier or contractor may protest a decision involving a contract dispute or any matter relative to the methods, practices or decisions made by the Purchasing Office in accordance with these procedures. Matters that are not communicated by the supplier or contractor within the deadlines set will be considered to be untimely and will be dismissed.
 - ii. The response at this initial level of the protest will be made by the Supervisor of Purchasing, who will respond to the supplier or contractor within 20 calendar days after receipt of the written protest. The response of the Supervisor of Purchasing will outline the findings and resulting disposition of the protest, and will advise the supplier or contractor of the right to appeal the decision to the Superintendent. An appeal to the Superintendent shall be sent within 10 calendar days after the supplier or contractor receives a copy of the Supervisor's decision.

- iii. The Superintendent or designee will respond to the supplier or contractor within 20 calendar days after receipt of the written appeal. The response of the Superintendent or designee will outline the findings and resulting disposition of the appeal, and will advise the supplier or contractor of the right to appeal the decision to the Board of Education. An appeal to The Board shall be sent within 30 calendar days after the supplier or contractor receives a copy of the Superintendent's or designee's decision.
 - iv. An appeal to the Board will be processed in accordance with the provisions regarding Administrative Appeals Under Section 4-205 (c) as found in the Board's Rules of Procedure for Appeals and Hearings.
 - c. If the decision being protested was made by a buyer in the Purchasing Office or by the Supervisor of Purchasing, the protest shall be filed with the buyer or the Supervisor. If the decision being protested was made by the Superintendent or designee, the protest shall be filed with the Superintendent or designee. If the decision being protested was made by the Board of Education, the protest shall be filed with the Board. Suppliers and contractors shall formalize a protest in writing and shall send it to the buyer, Supervisor of Purchasing, Superintendent, designee, or Board, as appropriate, within 10 calendar days following the date that the decision on the matter being disputed was made or became know to the supplier or contractor.
9. Board members and employees of the Anne Arundel County Public Schools may not, in any private purchase, use their position in an effort to obtain a price or service consideration better than that offered to the general public.
10. Staff who have any interest which may conflict or appear to conflict with the interest of Anne Arundel County Public Schools will report such interest in writing to the Superintendent. Such notice shall include the nature of the conflict of interest including but not limited to the name of the supplier or contractor. The Business and Management Services Department will review the matter before placing any future orders.
11. The Superintendent supports the Association of School Business Official's Standards of Conduct for School Business Officials.

Regulation History: *Developed by Superintendent 5/11/05*
 Reviewed by Board of Education 5/18/05
 Issued 5/23/05

Note previous history: *New regulation.*