

3A.04.400 Procurement (Purchasing) Policies

401 Procurement of Goods and Services

The school shall follow outlined procurement (purchasing) procedures of the school and provisions of the state procurement code (UCA 63G-6a) and procure only those items and services that are required to perform the mission and/or fill a bona fide need. Procurements are made using best value contracting which includes assessing the best value considering quality, performance, timing, and price. Additionally:

- A. Administration shall not intentionally divide a procurement purchase into one or more smaller purchases to divide an invoice or purchase order into two or more invoices or purchase orders, or to make smaller purchases over a period of time in order to circumvent any aspect of this policy or of state law;
- B. Exclusive contracts (requiring the purchase of needed goods or services from a single, specified seller) are not authorized except as outlined in the state procurement code (UCA 63G-6a);
- C. Multi-year contracts shall comply with UCA 63G-6a-1204;
- D. Construction and improvements shall comply with the law and administrative rules of the State of Utah and its departments or agencies and differing rules, forms or reports, not in accordance with state law and administrative rules, may not be produced by school staff or outside service providers without Board authorization;
- E. Written records will be kept for all purchases, including complete bids when applicable by law. Competitive bids will be filed in the winning bidder's vendor file;
- F. All lease agreements will be evidenced by a lease or sublease agreement approved by the Board and signed by the Board Chair (or designee). The agreement will identify all the terms and conditions of the lease;
- G. Administration or any agent of the school may not accept hospitality gifts, gratuities, kickbacks, or any other unlawful consideration under 63G-6a-2304.5;
- H. Satisfactory receipt of goods and services will be confirmed, as invoices are approved by buyers, before payment is made to a vendor.

402 Emergency Purchases

An "emergency purchase" is the purchase of goods or services that are so badly needed that the school will suffer financial or operational damage if they are not secured immediately. A decision to purchase may be declared in an emergency at the school's discretion and "best value" procurement guidelines must be followed. In addition, the purchase must be authorized by the Director, business manager, the Board Chair or Treasurer when available. Sound business practices shall be used and documented in all cases.

403 Sales Tax

Charter School is exempt from sales tax as both as governmental entity and as a charitable organization.

- A. The school Board and administration shall maintain the school's IRS (501c3) and public school tax exempt status by complying with government regulations at all times;
- B. The school administration shall follow vendor policies regarding sales tax exemption;
- C. As authorized, school employees or volunteers may use the school's non-profit tax exemption registration number (and Tax Commission form) only for legitimate school purchases. Authorization may be revoked when necessary;
- D. Employees or volunteers may not be reimbursed for sales tax. If sales tax is paid by school employees or volunteers at the point of sale, the school may seek reimbursement of sales tax consistent with applicable rules at its discretion.

References:

Policy Review Schedule:

Policy Monitoring Schedule:

Document History:

Date Adopted:

Board Chair

School Policy: