



Procurement 101: An Introduction

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What's the point of public procurement?

- Purposes of the Procurement Code include:
 1. Transparency;
 2. Fair and equitable treatment of all;
 3. Increased economy in government operations; and
 4. Broad-based competition



Procurement Code and Rules

- School Districts and Charter Schools are considered educational procurement units under the Procurement Code.
- Any time public funds are expended or used to acquire a procurement item (a good, service, or construction), compliance with the Utah Procurement Code (Title 63G, Chapter 6a) and applicable Administrative Rules (Title R33) is **required**.



Rule Making Authority and Administrative Rules

- At this time, you are NOT subject to USBE's procurement administrative rules (R277-122).
- 63G-6a-103(1) states that the Procurement Policy Board is the applicable rulemaking authority (which created the rules in R33) for all public schools and charter schools.
- You can create your own rules or policies that do not conflict with R33, but must be stricter, not more lenient (e.g., small purchase threshold—R33-5-104).





Procurement Code points to remember

- Standard Procurement Processes:
 - Quotes
 - Invitation for Bids
 - Request for Statement of Qualifications
 - Request for Proposals
- Non-standard Procurement Processes/ EXCEPTIONS/ ACWESPP
 - Sole Source
 - Transition Costs
 - Impractical/ Not in the best interest



Standard Procurement Process Thresholds

- Small Purchase:
 - Individual Procurement Item: \$5,000 (unless the procurement official determines a lower amount)
 - Single Procurement Aggregate: \$10,000 (unless the procurement official determines a lower amount)
 - Annual Cumulative Threshold: \$50,000
- Quotes:
 - Up to \$50,000, above requires standard procurement process or exception
 - Min. 2 quotes
- Professional Service Providers and Consultants:
 - \$100,000
 - Min. 3 quotes/ responses
- Small Purchase Design Professional:
 - \$100,000
 - Min. 3 quotes/ responses
- Small Purchase Construction:
 - \$25,000 direct award
 - \$100,000 w/ min. 2 quotes
- Construction w/ AVL:
 - \$2,500,000
- Request for Proposals
 - Over \$100,000

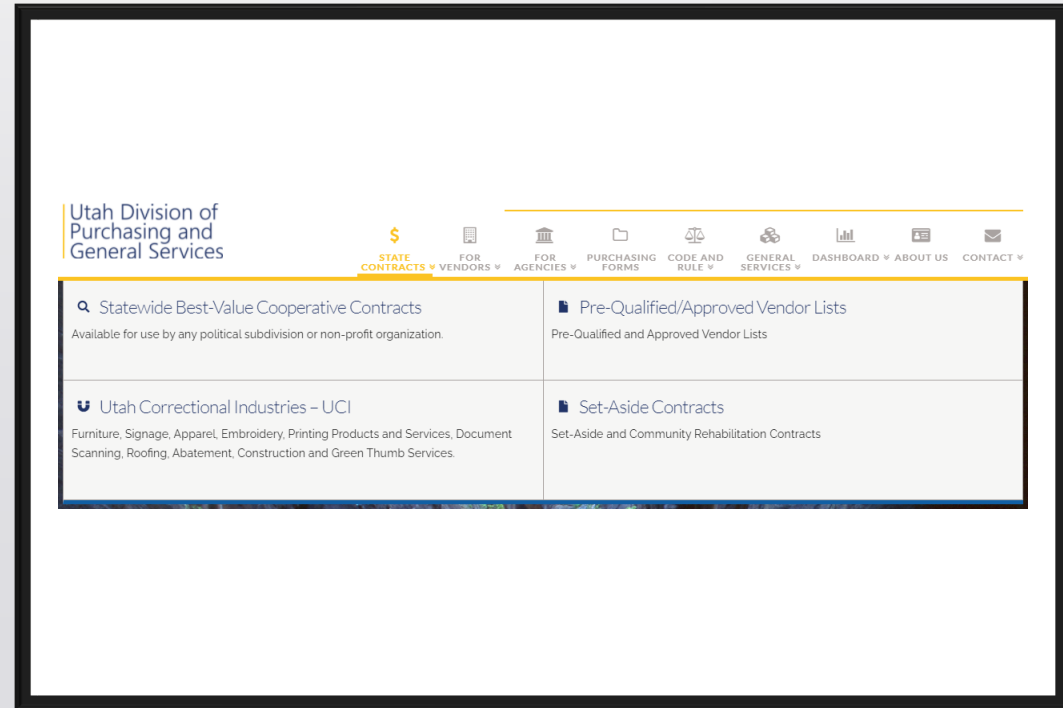
Do NOT Split Purchases

- Do not split a purchase into smaller purchases to remain below the thresholds. It is illegal and could get you fired.



State Cooperative Contracts

- Utah Code 63G-6a-2105 Cooperative Procurements:
 - Public entities, including LEAs, may purchase goods and/or services from state cooperative contracts
 - If the item or service is on state contract, the solicitation has already been completed; no additional solicitation needed
 - Purchases deemed compliant with procurement code
 - <https://statecontracts.utah.gov/Home/Search>





Ethics: The good, the bad, the ugly....

- Utah Code 63G-6a- Part 24:
 - Applies to procurement professionals (staff), but NOT to superintendent, business administrators, or principals; however, you should follow
 - Prohibits accepting gifts, gratuities, kickbacks
 - Violations subject to felony charges, loss of employment, penalties
- Administrative Rule R33-24:
 - Conflicts:
 - Socialization with vendors
 - Financial conflicts with vendors
 - Personal relationships with vendors
 - Ethical Standard:
 - An employee of a procurement unit shall uphold and promote the independence, integrity, and impartiality of the procurement process as required in code and rule and shall avoid impropriety and the appearance of impropriety

Resources that are available to help your staff

- USBE Purchasing and Contracts
 - <https://www.schools.utah.gov/financialoperations/purchasingcontracts>
- State of Utah Division of Purchasing
 - Courtesy posting
 - Contracted services
 - Cooperative contracts
 - <https://purchasing.utah.gov/>
- Professional Organizations:
 - Utah Chapter of NIGP
 - Professional development, resources, national network, education
 - <https://www.nigputah.org/>
 - EdPAC
 - Training/ conference, cooperative contracts, resources
 - <https://purchasing.utah.gov/affiliated-agencies/edpac/>

Utah Division of
Purchasing and
General Services





Professional Development Opportunities

- State Purchasing Procurement Education Partnership (PEP) quarterly trainings
- Utah Chapter of NIGP quarterly trainings/ meetings, annual forum, mentoring
- EdPAC Annual Buyers Conference
- State Purchasing and USBE Purchasing staff meetings are open to anyone (Wednesday at 9 am)



Advice

- Participate with professional organizations
- Develop a forms-based practice
- Work with checklists/ standardized practices
- Check that your internal policies and practices comply with code & rule
- State Contracts
- Use the resources available!



Questions?

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