

REGULATION

MONTGOMERY COUNTY PUBLIC SCHOOLS

Related Entries: DJA, DJA-RB, DJB
Responsible Office: Chief Operating Officer

Procurement of Equipment, Supplies, and Contractual Services

I. PURPOSE

To set forth the procedures for contract administration for obtaining bids for certain items, and to establish the responsibility and procedures for obtaining equipment, supplies, and contractual services used by Montgomery County Public Schools (MCPS).

II. DEFINITIONS

- A. *Contractual services*, including consultant services and product-oriented services, are obtained through a request for proposal when technical considerations and cost are valid criteria in the evaluation.
1. Consultant services may require professional or technical advice or service, are labor intensive, and may be performed under the supervision of an MCPS employee.
 2. Product-oriented services include delivery and/or maintenance of a product, may be labor intensive, and may not be under the supervision of an MCPS employee.
- B. *Fixed equipment* is equipment that is built into a building and equipment that is built into grounds.
1. Equipment built into a building consists of equipment items that are an integral part of a building. That is, the equipment is permanently fastened to the building, functions as part of the building, has a useful life approximately equal to that of the building, and causes appreciable damage to the building if removed. Examples are bulletin boards, counters, basketball backboards, shelving, stage curtains, and building service systems such as ventilation, heat, lighting, communication, and water systems.

2. Equipment built into grounds consists of equipment items permanently attached to the ground that function as part of the grounds. Examples are flagpoles, gates, goal posts, underground storage tanks, and lawn sprinkling systems.
- C. *Movable equipment* refers to equipment items that are transportable from one location to another without appreciable damage or change to the location from which they are removed or to the location where they are installed. They do not function as integral parts of the building or grounds and are not permanently fastened or attached to the building or grounds. The term “movable” refers to permanency of installation and whether or not the equipment is built in, not to size or weight. For example, a piece of equipment that is simply bolted or screwed to the floor, such as a heavy lathe or a desk, that can be moved as a unit once the bolts or screws have been removed is moveable.

III. PROCEDURES

- A. The *Procurement Manual* applies to all procurements of equipment, supplies, and contractual services, except the procurement of legal, architectural, and engineering services or buildings, structures, land, or major capital equipment replacements; contains detailed instructions and procedures for implementing the policies; and shall be considered an integral part of this regulation. The responsibility for updating, maintaining, distributing, and enforcing the provisions of the manual is vested in the director of the Division of Procurement. All MCPS staff required to function as either a program official or a project officer are responsible for following the procedures set forth in the manual. As described in the manual, Montgomery County Board of Education (Board) approval is required after competitive bidding for any expenditure of \$25,000 or more for equipment, supplies, or contractual services.
- B. Responsible Officials

In addition to the Board, when appropriate, and the superintendent of schools, the following are responsible for specific functions described in the *Procurement Manual*:

1. Program official refers to the deputy superintendent of schools, the chief operating officer, the chief school performance officer, a department/division director, or other MCPS official designated by the superintendent of schools, who is authorized to request contractual services.

2. Project officer refers to the person named in a procurement solicitation and contract as being the program's official representative to the vendor concerning the technical requirements of the solicitation and the contract. The project officer reviews vendor performance and recommends to the account manager payment of vendor invoices. Any items not approved for payment must be documented.
3. The director of the Division of Procurement is responsible for all contract administration involving the procurement of equipment, supplies, and contractual services, including the following:
 - a) Issuing bids, procurement solicitations, and contract documents, other than for architectural, engineering, construction, and major capital equipment replacements
 - b) Obtaining approval for award of a contract
 - c) Issuing notification of contract awards
 - d) Negotiating contract price changes
 - e) Enforcing contractual terms and conditions
4. The director of the Department of Facilities Management is responsible for the procurement of architectural and engineering services, land purchases, construction projects, and major capital equipment replacements, including the following:
 - a) Administering qualifications-based selection processes for architects, engineers, and construction managers
 - b) Negotiating fees with the most qualified firms, based on historical data and industry and market standards
 - c) Soliciting multistep sealed bids for technical offers to determine a firm's qualification for specific projects
 - d) Issuing bids, solicitations, and contract documents for capital building projects
 - e) Recommending awards to the superintendent of schools and the Board

- f) Issuing notification of contract award and notices to proceed
- g) Authorizing payments
- h) Enforcing contractual terms and conditions

Regulation History: Formerly Regulation 235-1, March 26, 1979; directory information updated January, 1983; revised May 2, 1988; revised September 4, 1992; revised October 26, 2004; revised November 14, 2006; revised December 12, 2011.