2361 ACCEPTABLE USE OF COMPUTER NETWORK/COMPUTERS AND RESOURCES (M)

M

The Board of Education recognizes as new technologies shift the manner in which information is accessed, communicated, and transferred, these changes will alter the nature of teaching and learning. Access to technology will allow pupils to explore databases, libraries, Internet sites, and bulletin boards while exchanging information with individuals throughout the world. The Board supports access by pupils to these information sources but reserves the right to limit in-school use to materials appropriate for educational purposes. The Board directs the Superintendent to effect training of teaching staff members in skills appropriate to analyzing and evaluating such resources as to appropriateness for educational purposes.

The Board also recognizes technology allows pupils access to information sources that have not been pre-screened by educators using Board approved standards. The Board therefore adopts the following standards of conduct for the use of computer networks and declares unethical, unacceptable, or illegal behavior as just cause for taking disciplinary action, limiting or revoking network access privileges, and/or instituting legal action.

The Board provides access to computer networks/computers for educational purposes only. The Board retains the right to restrict or terminate pupil access to computer networks/computers at any time, for any reason. School district personnel will monitor networks and online activity to maintain the integrity of the networks, ensure their proper use, and ensure compliance with Federal and State laws that regulate Internet safety.

Standards for Use of Computer Networks

Any individual engaging in the following actions when using computer networks/computers shall be subject to discipline or legal action:

A. Using the computer network/computers for illegal, inappropriate or obscene purposes, or in support of such activities. Illegal activities are defined as activities that violate Federal, State, local laws and regulations. Inappropriate activities are defined as those that violate the intended use of the networks. Obscene activities shall be defined as a violation of

generally accepted social standards for use of publicly owned and operated communication vehicles.

B. Using the computer network/computers to violate copyrights, institutional or third party copyrights, license agreements or other contracts.

C. Using the computer network in a manner that:

1. Intentionally disrupts network traffic or crashes the network;

2. Degrades or disrupts equipment or system performance;

3. Uses the computing resources of the school district for commercial purposes, financial gain, or fraud;

4. Steals data or other intellectual property;

5. Gains or seeks unauthorized access to the files of others or vandalizes the data of another person;

6. Gains or seeks unauthorized access to resources or entities;

7. Forges electronic mail messages or uses an account owned by others;

8. Invades privacy of others;

9. Posts anonymous messages;

10. Possesses any data which is a violation of this Policy; and/or

11. Engages in other activities that do not advance the educational purposes for which computer networks/computers are provided.

Internet Safety Protection

As a condition for receipt of certain Federal funding, the school district shall be in compliance with the Children's Internet Protection Act, the Neighborhood Children's Internet Protection Act, and has installed technology protection measures for all computers in the school district, including computers in media

centers/libraries. The technology protection must block and/or filter material and visual depictions that are obscene as defined in Section 1460 of Title 18, United States Code; child pornography, as defined in Section 2256 of Title 18, United States Code; are harmful to minors including any pictures, images, graphic image file or other material or visual depiction that taken as a whole and with respect to minors, appeals to a prurient interest in nudity, sex, or excretion; or depicts, describes, or represents in a patently offensive way, with respect to what is suitable for minors, sexual acts or conduct; or taken as a whole, lacks serious literary, artistic, political, or scientific value as to minors.

This Policy also establishes Internet safety policy and procedures in the district as required in the Neighborhood Children's Internet Protection Act. Policy 2361 addresses access by minors to inappropriate matter on the Internet and world wide web; the safety and security of minors when using electronic mail, chat rooms, and other forms of direct electronic communications; unauthorized access, including "hacking" and other unlawful activities by minors online; unauthorized disclosures, use, and dissemination of personal identification information regarding minors; and measures designed to restrict minors' access to materials harmful to minors.

Notwithstanding blocking and/or filtering the material and visual depictions prohibited in the Children's Internet Protection Act and the Neighborhood Children's Internet Protection Act, the Board shall determine other Internet material that is inappropriate for minors.

In accordance with the provisions of the Children's Internet Protection Act, the Superintendent of Schools or designee will develop and ensure education is provided to every pupil regarding appropriate online behavior, including pupils interacting with other individuals on social networking sites and/or chat rooms, and cyberbullying awareness and response.

The Board will provide reasonable public notice and will hold one annual public hearing during a regular monthly Board meeting or during a designated special Board meeting to address and receive public community input on the Internet safety policy - Policy and Regulation 2361. Any changes in Policy and Regulation 2361 since the previous year's annual public hearing will also be discussed at a meeting following the annual public hearing.

The school district will certify on an annual basis, that the schools, including media centers/libraries in the district, are in compliance with the Children's

Internet Protection Act and the Neighborhood Children's Internet Protection Act and the school district enforces the requirements of these Acts and this Policy. In addition, this Policy and Regulation 2361 provide notice that the District has purchased and implemented software designed to monitor student use of District-provided devices and network services for non-educational purposes. Student use of District-provided resources for non-educational purposes, generally, is subject to the provisions of this Policy and Regulation 2361. However, student use of District-provided resources detected by the monitoring software and determined by the monitoring staff member to demonstrate a warning sign of suicide is also subject to the provisions of Policy and Regulation 5350, Student Suicide Prevention, including in terms of the District's response to same.

Consent Requirement

No pupil shall be allowed to use the school district's computer networks/computers and the Internet unless they have filed with the school a consent form signed by the pupil and his/her parent(s) or legal guardian(s).

Violations

Individuals violating this Policy shall be subject to the consequences as indicated in Regulation 2361 and other appropriate discipline, which includes but are not limited to:

1. Use of the network only under direct supervision;
2. Suspension of network privileges;
3. Revocation of network privileges;
4. Suspension of computer privileges;
5. Revocation of computer privileges;
6. Suspension from school;
7. Expulsion from school; and/or

8. Legal action and prosecution by the authorities.

N.J.S.A. 2A:38A-3
Federal Communications Commission: Children's Internet Protection Act
Federal Communications Commission: Neighborhood Children's Internet Protection Act
Policy and Regulation 5350, Student Suicide Prevention

Adopted: 24 January 2006
Revised: 27 March 2012
Revised: 12 June 2012

5350 STUDENT SUICIDE PREVENTION

The Board of Education recognizes that depression and self-destruction are problems of increasing severity among students. Students under severe stress cannot benefit fully from the educational program and may pose a threat to themselves or others.

The Board directs all school district staff members to be alert to a student who exhibits warning signs of self-destruction or who threatens or attempts suicide. Any such warning signs or the report of such warning signs from another student or staff member shall be taken with the utmost seriousness and reported immediately to the Principal or designee.

The Board acknowledges that warning signs may come in the form of Internet searches or other network activity using District-provided devices and/or network services. The District has purchased and implemented software designed to monitor student use of District provided devices and network services to detect potential self-harm activity. The Board authorizes the Superintendent or his or her designee to use the District-provided software for such monitoring. Protocol for such monitoring is outlined in Regulation 5350. Student use of District-provided devices and/or network services detected by the District-provided software and determined by the monitoring staff member to demonstrate a warning sign of suicide shall be taken with the utmost seriousness and reported immediately to the Principal or his or her designee.

The Principal or designee shall immediately contact the parent(s) of the student exhibiting warning signs of suicide to inform the parent(s) the student will be referred to a school mental health professional (School Counselor, School Social Worker, School Psychologist) or a Suicide Intervention Team, appointed by the Superintendent or designee, for a preliminary assessment. Upon completion of the preliminary assessment, the Principal or designee shall meet with or contact the parent(s) to review the assessment. Based on the preliminary assessment, the parent(s) may be required to obtain medical or psychiatric services for the student. In the event the parent objects to the recommendation or indicates an unwillingness to cooperate in the best interests of the student, the Principal or designee will contact the New Jersey Department of Children and Families, Division of Child Protection and Permanency to request intervention on the student's behalf.

In the event the student is required to obtain medical or psychiatric services, the parent(s) will be required to submit to the Superintendent a written medical

clearance from a licensed medical professional, selected by the parent(s) and approved by the Superintendent or designee, indicating the student has received medical services, does not present a risk to themselves or others, and is cleared to return to school. The written medical clearance may be reviewed by a Board of Education healthcare professional before the student is permitted to return to school. The parent(s) shall be required to authorize their healthcare professional(s) to release relevant medical information to the school district's healthcare professional, if requested.

Any school district staff member, volunteer, or intern with reasonable cause to suspect or believe that a student has attempted or completed suicide, shall immediately report the information to the Principal or designee or their immediate supervisor who will immediately report it to the Superintendent or designee. The Superintendent or designee shall promptly report it online to the New Jersey Department of Children and Families, or as otherwise required by the Department of Children and Families in accordance with N.J.S.A. 30:9A-24. In accordance with N.J.S.A. 30:9A-24i, any person who reports an attempted or completed suicide shall have immunity from any civil or criminal liability on account of the report, unless the person has acted in bad faith or with malicious purpose.

In accordance with the provisions of N.J.S.A. 18A:6-111 and 18A:6-112, as part of the required professional development for teachers as outlined in N.J.A.C. 6A:9C-3 et seq., every teaching staff member must complete at least two hours of instruction in suicide prevention, to be provided by a licensed health care professional with training and experience in mental health issues, in each professional development period. The instruction in suicide prevention shall include information on the relationship between the risk of suicide and incidents of harassment, intimidation, and bullying and information on reducing the risk of suicide in students who are members of communities identified as having members at high risk of suicide.

The Superintendent shall prepare and disseminate guidelines to assist school district staff members in recognizing the warning signs of a student who may be contemplating suicide, to respond to a threat or attempted suicide, and to prevent contagion when a student ~~commits~~ dies by suicide.

N.J.S.A. 18A:6-111; 18A:6-112

N.J.S.A. 30:9A-23; 30:9A-24

N.J.A.C. 6A:9C-3 et seq.

Adopted: 26 July 2011
Revised: 13 September 2016
Revised: 11 September 2018
Revised:

POLICY GUIDE

[See POLICY ALERT Nos. 144, 168 and 221]

6440 COOPERATIVE PURCHASING

The Board of Education recognizes that centralized, cooperative purchasing ~~tends to~~ **may** maximize the value received for each dollar spent. The **Board of Education** ~~Administration~~ is encouraged to seek savings that may accrue to ~~this~~ **the school** district by means of joint agreements for the purchase of goods or services with the governing body of **any** ~~the~~ municipality or ~~the~~ county ~~within whose boundaries the school district is wholly or partly located, or by means of contracts entered into by the New Jersey State Treasury Department, Division of Purchase and Property~~.

For the purpose of this Policy, ~~A~~ "cooperative pricing system" **means** ~~is~~ a purchasing system in which the lead agency advertises for bids, awards a master contract to the vendor providing for its own ~~needs~~ **quantities** and ~~for~~ the **estimated quantities submitted by the individual registered members** ~~prices to be extended to registered members, and notifies them of the bid prices awarded. The registered members then contract directly with the vendor for their own needs, subject to the specifications in the master contract~~.

For the purpose of this Policy, "cooperative purchasing system" means a cooperative pricing system, joint purchasing system, commodity resale system, county cooperative contract purchasing system, or regional cooperative pricing system which has been approved and registered subject to N.J.A.C. 5:34-7.1 et seq.

For the purpose of this Policy, "electronic data processing" means the storage, retrieval, combination, or collation of items of information by means of electronic equipment involving the translation of words, numbers, and other symbolic elements into electrical impulses or currents.

For the purpose of this Policy, ~~A~~ "joint purchasing system" **means** ~~is~~ a cooperative purchasing system in which the lead agency **serves as the purchasing agent for the membership of the system with all of the duties and responsibilities attendant. The lead agency advertises for bids and awards a**

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single contract to a vendor providing for the payment to the contractor for

its own needs and for the needs of the participating registered members of the system. The only contractual relationship is between the lead agency and the vendor. ~~has complete purchasing responsibility for the registered members, and the only contractual relationship is between the lead agency and the vendor.~~

For the purpose of this Policy, "lead agency" means the contracting unit which is responsible for the management of the cooperative purchasing system.

For the purpose of this Policy, "registered members" means Boards of Education who have been approved by the Director of the New Jersey Department of Community Affairs for participation in the cooperative purchasing system.

~~A "cooperative purchasing system" is either a joint purchasing or cooperative pricing system.~~

When the lead agency is a Board of Education or Educational Service Commission and the entire membership of the cooperative purchasing system established and properly registered with the New Jersey Division of Local Government Services **in the Department of Community Affairs** are Boards of Education, the **provision and performance of goods or services** ~~purchase of work, materials or supplies~~ shall be conducted pursuant to the Public Schools Contract Law. (N.J.S.A. 18A:18A-11 et seq.)

The **School Business Administrator/Board Secretary** _____ is hereby authorized to negotiate such joint agreements for goods and services which the Board may determine to be required and which the Board may otherwise lawfully purchase for itself with such approved contracting units as may be appropriate in accordance with State law, the policies of this Board, and the dictates of sound purchasing procedures.

In accordance with the provisions of N.J.S.A. 18A:18A-12, a ~~No~~ cooperative or joint purchase **agreement(s) shall be entered into by resolution adopted** ~~may~~

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~~be entered without Board approval~~ **by each participating Board of Education, municipality, or county, and shall set forth** ~~of an agreement that specifies~~ the categories of **goods or services to be provided or performed** ~~work, materials and supplies to be purchased~~; the manner of advertising for bids and the awarding of contracts; the method ~~by which~~ **of** payment ~~will be made~~ by each participating

Board of Education, municipality or county, and ~~such~~ other **matters** ~~terms~~ deemed necessary to carry out the purposes of the agreement. Agreements for cooperative and joint purchasing will be subject to all bidding requirements imposed by law. Purchases made through the State Treasury Department may be made without bid.

Each participant's share of expenditures for purchases under any such agreement shall be appropriated and paid in the manner set forth in the agreement and in the **same** manner as for other expenses of the participant.

In accordance with the provisions of N.J.S.A. 18A:18A-14.2, t~~T~~he Board may by contract or lease provide electronic data processing services for the Board of Education of another school district; and may undertake with such other Board, the joint operation of electronic data processing of their official records and other information relative to their official activities, services and responsibilities. The records and other information originating with any Board participating in such contract or lease may be combined, compiled, and conjoined with the records and other information of any and all participating local units for the purposes of such electronic data processing; and any provisions of law requiring such records to be kept confidential or to be retained by any Board or any officer or agency thereof shall be deemed to be isolated thereby.

A contract or lease to provide electronic data processing services shall set forth the charge for all services provided, or in the case of a joint undertaking the proportion of the cost each party thereto shall assume and specify all the details of the management of the joint undertaking, and any other matters that may be deemed necessary for insertion therein, and may be amended from time to time by the contracting parties **in accordance with N.J.S.A. 18A:18A-14.3**.

For the purpose of carrying into execution a contract or lease for a joint enterprise under N.J.S.A. 18A:18A-14.4, a~~A~~ny party to **such** ~~a~~ contract ~~for joint~~

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~~operation of electronic data processing services~~ may act as agent for any or all parties in acquiring, by lease, purchase or otherwise, any property, facilities or services, in appointing such officers and employees as may be necessary and directing its activities, to the same extent as a Board of Education is authorized to do separately.

In the event that any controversy or dispute shall arise among the parties (except a municipality or ~~a~~ county) to any such **contract** ~~agreement~~, the same shall be referred to the **Executive** County Superintendent of the county in which the districts are situated for determination and the determination shall be binding, subject to appeal to the Commissioner of Education ~~and the State Board~~ pursuant to law. In the event the districts are in more than one county, the controversy or dispute shall be referred to the **Executive** County Superintendents of the counties for joint determination, and if they shall be unable to agree upon a joint determination within thirty days, the controversy or dispute shall be referred to the Commissioner of Education for determination.

~~In a cooperative purchasing system established and properly registered with the New Jersey Division of Local Government Services where the lead agency is a Board of Education or Educational Service Commission and the membership of the system is Boards of Education and local contracting units as defined in N.J.S.A. 40A:11-2(1), the purchase of any work, materials or supplies shall be conducted pursuant to the Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.) and N.J.A.C. 5:34-7.~~

N.J.S.A. 18A:18A-~~10~~ **11** through 14
N.J.S.A. 40A:11-1 et seq.
N.J.A.C. 5:34-7
N.J.A.C. 6A:~~23-7.4~~**23A-21.5**

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[See POLICY ALERT No. 221]

6470.01 ELECTRONIC FUNDS TRANSFER AND CLAIMANT CERTIFICATION

The Board of Education permits the School Business Administrator/Board Secretary to use standard electronic funds transfer (EFT) technologies for EFTs for payment of claims pursuant to N.J.A.C. 5:30-9A.1 et seq. and 5:31-4.1, implementing N.J.S.A. 40A:5-16.5.

"Electronic funds transfer" for the purpose of Policy and Regulation 6470.01 means any approved method of transferring moneys permitted by N.J.A.C. 5:30-9A.1 et seq. that does not involve the physical presentation of a paper check, draft, or similar paper instrument including, but not limited to, wire transfers, e-checks, automated clearing house (ACH) transfers, and transactions initiated by phone or fax.

In accordance with N.J.S.A. 40A:5-16.5.b.(1), the Board of Education authorizes the use of only the forms of standard EFT technologies that are approved to be used by a Board of Education for EFTs for payment of claims. A Board of Education may not utilize procurement cards, charge cards, charge accounts, or any payment services such as PayPal or Venmo.

In accordance with N.J.S.A. 40A:5-16.5.b.(2), the Board designates the School Business Administrator/Board Secretary as being responsible for the oversight and administration of the provisions of N.J.S.A. 40A:5-16.5, N.J.A.C. 5:30-9A.1 et seq.; N.J.A.C. 5:31-4.1, and Policy and Regulation 6470.01.

The Board of Education will only initiate and approve electronic funds in accordance with N.J.A.C. 5:30-9A.1 et seq. Standard EFT technologies shall incorporate, at a minimum, the features and safeguards outlined in N.J.A.C. 5:30-9A.4(a). The Board will only utilize standard EFT technologies upon instituting, at a minimum, the fiscal and operational controls outlined in N.J.A.C. 5:30-9A.4(b).

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The School Business Administrator/Board Secretary shall initiate a claim for payment by presenting a claim that has been approved by the Board, to be paid using an EFT technology. The School Business Administrator/Board Secretary

shall submit the claim for payment with all supporting documentation to the Superintendent of Schools or a designee who is not under the direct supervision of the School Business Administrator/Board Secretary, who shall review the claim for payment and authorize, in writing, the EFT claim using an EFT method.

The Board of Education shall annually approve the School Business Administrator/Board Secretary as the person authorized to initiate a claim for payment and the Superintendent of Schools or a designee not under the direct supervision of the School Business Administrator/Board Secretary as the person responsible to review a claim for payment presented by the School Business Administrator/Board Secretary and authorize payment using an approved EFT method.

On no less than a weekly basis, activity reports on all transactions utilizing standard EFT technologies shall be reviewed by an individual designated and approved by the Board that is not under the direct supervision of the School Business Administrator/Board Secretary and is not empowered to initiate or authorize EFTs.

Claimant certification for a Board of Education shall be in accordance with the provisions of N.J.S.A. 18A:19-3 and rules promulgated by the New Jersey Department of Education.

Providers of ACH and wire transfer services must be financial institutions chartered by a State or Federal agency, with the further requirement that these financial institutions providing ACH and wire transfer services be covered under the Governmental Unit Deposit Protection Act (GUDPA), N.J.S.A. 17:9-41 et seq.

EFTs through ACH must utilize Electronic Data Interchange (EDI) technology, which provide transaction related details including invoice numbers, pay dates, and other identifying information as appropriate for each transaction. The Board must approve an ACH Origination Agreement with the financial institution(s).

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N.J.S.A. 18A:19-3
N.J.S.A. 40A:5-16.5
N.J.A.C. 5:30-9A.1 et seq.

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[See POLICY ALERT Nos. 96, 214, 217, 218 and 221]

7440 SCHOOL DISTRICT SECURITY

The Board of Education believes the buildings and facilities of the school district represent a substantial community investment. The Board directs the development and implementation of a plan for school district security to protect the school community's investment in the school buildings and facilities. The Board will comply with the security measures required in N.J.S.A. 18A:7G-5.2 for new school construction and for existing school buildings.

The school district security program will include: maintenance of facilities that are secure against unwelcome intrusion; protection against fire hazards and faulty equipment; and compliance with safe practices in the use of electrical, plumbing, heating, and other school building equipment.

The Board shall provide to local law enforcement authorities a copy of the current blueprints and maps for all schools and school grounds within the school district or nonpublic school. In the case of a school building located in a municipality in which there is no municipal police department, a copy of the blueprints and maps shall be provided to an entity designated by the Superintendent of the New Jersey State Police. The Board shall provide revised copies to the applicable law enforcement authorities or designated entities any time that there is a change to the blueprints or maps.

The Board directs close cooperation of district officials with law enforcement, fire officials, and other emergency agencies.

Each public elementary and secondary school building shall be equipped with at least one panic alarm for use in a school security emergency pursuant to N.J.S.A. 18A:41-10 through 13.

The Superintendent of Schools shall designate a school administrator, or a school employee with expertise in school safety and security, as a School Safety Specialist for the district in accordance with the provisions of N.J.S.A.

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18A:17-43.3. The School Safety Specialist shall be required to acquire a New Jersey Department of Education School Safety Specialist certification in

accordance with the provisions of N.J.S.A. 18A:17-43.2. The School Safety Specialist shall also serve as the school district's liaison with local law enforcement and national, State, and community agencies and organizations in matters of school safety and security.

Access to school buildings and grounds outside the hours school is in session shall be limited to personnel whose employment requires their presence in the facility. An adequate key control system will be established to limit building access to authorized personnel and guard against the potential of intrusion by unauthorized persons who have obtained access improperly.

In accordance with N.J.S.A. 18A:7G-5.2.b.(15), propping open doors to buildings on school grounds is strictly prohibited and students and staff shall not open a door for any individual. All persons seeking entry into the main building shall be directed to the main entrance.

Building records and funds shall be kept in a safe place and secured as appropriate and necessary.

Protective devices designed to be used as safeguards against illegal entry and vandalism may be installed when appropriate. The Board may approve the employment of school resource officers, school security officers, and/or law enforcement officers in situations in which special risks are involved.

The school district shall annually conduct a school safety audit for each school building in accordance with the provisions of N.J.S.A. 18A:41-14.

N.J.S.A. 18A:7G-5.2; 18A:17-43.1; 18A:17-43.2; 18A:17-43.3;
18A:41-7.1; 18A:41-10; 18A:41-11; 18A:41-12; 18A:41-13**; 18A:41-14**
N.J.A.C. 6A:16-1.3; 6A:26-1.2

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[See POLICY ALERT No. 221]

7450 PROPERTY INVENTORY

~~As steward of this district's school property,~~ **T**the Board of Education recognizes that efficient management and the replacement of lost, damaged, or stolen property depends upon an accurate inventory and properly maintained ~~property~~ records.

~~The Board shall conduct~~ **The district shall maintain** a complete inventory by physical count of all district-owned equipment ~~and supplies through a perpetual inventory~~.

~~For purposes of this policy, "equipment" means a unit of furniture or furnishings, an instrument, a machine, an apparatus, or a set of articles that retains its shape and appearance with use, is nonconsumable, costs at least $500 as a single unit, and does not lose its identity when incorporated into a more complex unit.~~

For the purpose of this Policy, "equipment" shall mean any instrument, machine, apparatus, or set of articles which meets all of the following criteria and the cost is above $2,000:

1. **It retains its original shape, appearance, and character with use;**

2. **It does not lose its identity through fabrication or incorporation into a different more complex unit or substance;**

3. **It is nonexpendable; that is, if the item is damaged or some of its parts are lost or worn out, it is more feasible to repair the item than to replace it with an entirely new unit; and**

4. **Under normal conditions of use, including reasonable care and maintenance, it can be expected to serve its principal purpose for at least one year.**

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Unless otherwise bound by Federal, State, or local law, the school district will use the criteria above for their equipment classification decisions.

The **School Business Administrator/Board Secretary or designee** shall ensure that inventories are systematically and accurately recorded and that property records of equipment are adjusted annually. Major items of equipment shall be subject to annual spot check inventory. ~~to determine loss, mislocation, or depreciation;~~ **A** ~~any~~ major loss shall be reported to the Board.

Property records of ~~consumable~~ supplies shall be maintained on a continuous inventory basis. **An item should be classified as a "supply" if it does not meet all the stated equipment criteria outlined above and the cost is not more than the capitalization threshold of $2,000.**

The **School Business Administrator/Board Secretary or designee** shall maintain a system of property records that show, as appropriate to the item recorded, description and identification, manufacturer, year of purchase, initial cost, location, condition and depreciation, and current evaluation in conformity with insurance requirements.

N.J.S.A. 18A:4-14
~~N.J.A.C. 6:20-4.3~~**New Jersey Department of Education – "The Uniform Minimum Chart of Accounts for New Jersey Public Schools and Approved Private Schools for Students with Disabilities" 2020-2021 Edition**

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[See POLICY ALERT Nos. 215, 216, 217 and 221]

[SCHOOL DISTRICTS NOT PARTICIPATING IN A UNITED STATES DEPARTMENT OF AGRICULTURE'S (USDA) SCHOOL NUTRITION PROGRAMS ARE NOT REQUIRED TO ADOPT POLICY 8561.]

8561 PROCUREMENT PROCEDURES FOR SCHOOL NUTRITION PROGRAMS

The Board of Education adopts this Policy to identify their procurement plan for the United States Department of Agriculture's (USDA) School Nutrition Programs. School Nutrition Programs include, but are not limited to: the National School Lunch Program (NSLP); School Breakfast Program (SBP); Afterschool Snack Program (ASP); Special Milk Program (SMP); Fresh Fruit and Vegetable Program (FFVP); Seamless Summer Option (SSO) of the NSLP; Summer Food Service Program (SFSP); the At-Risk Afterschool Meals component of the Child and Adult Care Food Program (CACFP); and the Schools/Child Nutrition USDA Foods Program.

The Board of Education is ultimately responsible for ensuring all procurement procedures for any purchases by the Board of Education and/or a food service management company (FSMC) comply with all Federal regulations, including but not limited to: 7 CFR Parts 210, 220, 225, 226, 245, 250; 2 CFR 200; State procurement statutes and administrative codes and regulations; local Board of Education procurement policies; and any other applicable State and local laws.

The procurement procedures contained in this Policy will be implemented beginning immediately, until amended. All procurements must maximize full and open competition. Source documentation will be maintained by the School Business Administrator/Board Secretary or designee and will be available to determine open competition, the reasonableness, the allowability, and the allocation of costs.

The Board of Education intentionally seeks to prohibit conflicts of interest in all procurement of goods and services.

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A. General Procurement

The procurement procedures will maximize full and open competition, transparency in transactions, comparability, and documentation of all procurement activities. The school district's plan for procuring items for use in the School Nutrition Programs is as follows:

1. The School Business Administrator/Board Secretary will ensure all purchases will be in accordance with the Federal Funds Procurement Method Selection Chart – State Agency Form #358 - Appendix. Formal procurement procedures will be used as required by 2 CFR 200.318 through .326 and any State and local procurement code and regulations. Informal procurement procedures (small purchase) will be required for purchases under the most restrictive small purchase threshold.

2. The following procedures will be used for all purchases: Refer to appendix for specific procedures

Product/ Services	Estimated Dollar Amount	Procurement Method	Evaluation	Contract Award Type	Contract Duration/ Frequency

B. Micro-Purchase Procedures

~~Micro-Purchases (2 CFR 200.67):~~

1. Public/Charter Schools

Purchases of supplies or services, as defined by 2 CFR 200.67, will be awarded without soliciting competitive price quotations if the price is reasonable in accordance with N.J.S.A.

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18A:18A-37(a) and below thresholds established by the State Treasurer for informal receipt of quotations. Purchases will be distributed equitably among qualified suppliers with reasonable prices. Records will be kept for micro-purchases.

2. Non-Public Schools

~~Non-Public Schools Only -~~ Purchases of supplies or services, within the **Federal** micro-purchase threshold (the aggregate amount does not exceed the Federal micro-purchase threshold as set by **2 CFR 200.67** ~~48 CFR 2.101~~) will be awarded without soliciting competitive price quotations if the price is reasonable. Purchases will be distributed equitably among qualified suppliers with reasonable prices. Records will be kept for micro-purchases.

3. Formal bid procedures will be applied on the basis of:

[Choose one or more of the following:

X__centralized system;
X__individual school;
___multi-school system; and/or
___State contract.]

4. Because of the potential for purchasing more than public or non-public informal/small purchase threshold amount, or the Board approved threshold if less, it will be the responsibility of the School Business Administrator/Board Secretary to document the amounts to be purchased so the correct method of procurement will be followed.

C~~B~~. Formal Procurement

When a formal procurement method is required, the following competitive sealed bid or an Invitation for Bid (IFB) or competitive proposal in the form of a Request for Proposal (RFP) procedures will apply:

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1. An announcement of an IFB or a RFP will be placed in the Board designated official newspaper to publicize the intent of the Board of Education to purchase needed items. The advertisement for bids/proposals or legal notice will be published in the official newspaper for at least one day in accordance with the provisions of N.J.S.A. 18A:18A-21.

2. An advertisement in the official newspaper for at least one day is required for all purchases over the school district's small purchase threshold as outlined in Appendix – Federal Funds Procurement Method Section Chart. The advertisement will contain the following:

   a. A general description of items to be purchased;

   b. The deadline for submission of questions and the date written responses will be provided, including addenda to bid specifications, terms, and conditions as needed;

   c. The date of the pre-bid meeting, if provided, and if attendance is a requirement for bid award;

   d. The deadline for submission of sealed bids or proposals; and

   e. The address of the location where complete specifications and bid forms may be obtained.

3. In an IFB or RFP, each vendor will be given an opportunity to bid on the same specifications.

4. The developer of written specifications or descriptions for procurements will be prohibited from submitting bids or proposals for such products or services.

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5. The IFB or RFP will clearly define the purchase conditions. The following list includes requirements, not exclusive, to be addressed in the procurement document:

   a. Contract period **for the base year and renewals as permitted**;

   b. The Board of Education is responsible for all contracts awarded (statement);

   c. Date, time, and location of IFB/RFP opening;

   d. How the vendor is to be informed of bid acceptance or rejection;

   e. Delivery schedule;

   f. Requirements (terms and conditions) the bidder must fulfill in order for bid to be evaluated;

   g. Benefits to which the Board of Education will be entitled if the contractor cannot or will not perform as required;

   h. Statement assuring positive efforts will be made to involve ~~minority and~~ small **and minority** business**es, women's business enterprises, and labor surplus area firms**;

   i. Statement regarding the return of purchase incentives, discounts, rebates, and credits **under a cost reimbursement FSMC contract** to the Board of Education's nonprofit school food service account;

   j. Contract provisions as required in Appendix II to 2 CFR 200~~;~~**:**

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(1) **Termination for cause and convenience – contracts in excess of $10,000;**

(2) **Equal Opportunity Employment – "federally assisted construction contracts";**

(3) **Davis-Bacon Act – construction contracts in excess of $2,000;**

(4) **Contract work Hours and Safety Standards – contracts in excess of $100,000;**

(5) **Right to inventions made under a contract or agreement – if the contract meets the definition of a "funding agreement" under 37 CFR 401.2(a);**

(6) **Clean Air Act – contracts in excess of $150,000;**

(7) **Debarment and Suspension – all Federal awarded contracts;**

(8) **Byrd Anti Lobbying Amendment – contracts in excess of $100,000; and**

(9) **Contracts must address administrative, contractual , or legal remedies in instances where contractors violate or breach contract terms, and provide for such sanctions and penalties as appropriate.**

k. Contract provisions as required in 7 CFR 210.21(f) for all cost reimbursable contracts;

l. Contract provisions as required in 7 CFR 210.16(a)(1-10) and 7 CFR 250.53 for food service management company contracts;

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m. Procuring instrument to be used are purchase orders from firm fixed prices after formal bidding;

n. Price adjustment clause for renewal of multi-year contracts as defined in N.J.S.A. 18A:18A-42. The "index rate" means the annual percentage increase rounded to the nearest half percent in the implicit price deflator for State and local government purchases of goods and services computed and published quarterly by the U.S. Department of Commerce, Bureau of Economic Analysis;

o. Method of evaluation and type of contract to be awarded (solicitations using an IFB are awarded to the lowest responsive and responsible bidder; solicitations using a RFP are awarded to the most advantageous bidder/offeror with price as the primary factor among factors considered);

p. Method of award announcement and effective date (if intent to award is required by State or local procurement requirements);

q. Specific bid protest procedures including contact information of person and address and the date by which a written protest must be received;

r. Provision requiring access by duly authorized representatives of the Board of Education, New Jersey Department of Agriculture (NJDA), United States Department of Agriculture (USDA), or Comptroller General to any books, documents, papers, and records of the contractor which are directly pertinent to all negotiated contracts;

s. Method of shipment or delivery upon contract award;

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t. Provision requiring contractor to maintain all required records for three years after final payment and all other pending matters (audits) are closed for all negotiated contracts;

u. Description of process for enabling vendors to receive or pick up orders upon contract award;

v. Provision requiring the contractor to recognize mandatory standards/policies related to energy efficiency contained in the Energy Policy and Conservation Act (PL 94-163);

w. Signed statement of non-collusion;

x. Signed Debarment/Suspension Certificate, clause in the contract or a copy of search results from the System for Award Management (SAM);

y. Provision requiring "Buy American" as outlined in 7 CFR Part 210.21(d) and USDA Guidance Memo SP 38-2017**, including specific instructions for prior approval and documentation of utilization of non-domestic food products only**; ~~and~~

z. Specifications and estimated quantities of products and services prepared by the school district and provided to potential contractors desiring to submit bids/proposals for the products or services requested~~.~~**; and**

aa. The Board of Education's Electronic Signature Policy.

6. If any potential vendor is in doubt as to the true meaning of specifications or purchase conditions, **questions may be sent to**

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the School Business Administrator/Board Secretary. ~~interpretation will be provided in writing to all potential bidders by~~ ~~t~~The School Business Administrator/Board Secretary or designee's **response** ~~and~~ will **be provided in writing to all potential bidders within** days specified in the bid documents. ~~**days.**~~ ~~specify the deadline for all questions.~~

a. The School Business Administrator/Board Secretary will be responsible for **providing responses to questions and** securing all bids or proposals.

b. The School Business Administrator/Board Secretary will be responsible to ensure all Board of Education procurements are conducted in compliance with applicable Federal, State, and local procurement regulations.

c. The following criteria will be used in awarding contracts as a result of bids/proposals. Price must be the highest weighted criteria. Examples of other possible criteria include quality, service, delivery, and availability.

7. In awarding a RFP, a set of award criteria in the form of a weighted evaluation sheet will be provided to each bidder in the initial bid document materials. Price alone is not the sole basis for award, but remains the primary consideration among all factors when awarding a contract. Following evaluation and negotiations, a firm fixed price or cost reimbursable contract is awarded.

   a. The contracts will be awarded to the responsible bidder/proposer whose bid or proposal is responsive to the invitation and is most advantageous to the Board of Education, price as the primary, and other factors

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considered. Any and all bids or proposals may be rejected in accordance with the law.

b. The School Business Administrator/Board Secretary or designee is required to sign on the bid tabulation of competitive sealed bids or the evaluation criterion score sheet of competitive proposals signifying a review and approval of the selections.

c. The School Business Administrator/Board Secretary shall review the procurement system to ensure compliance with applicable laws.

d. The School Business Administrator/Board Secretary or designee will be responsible for documentation that the actual product specified was received.

e. Any time an accepted item is not available, the School Business Administrator/Board Secretary will select the acceptable alternate. The contractor must inform the School Business Administrator/Board Secretary within one workday if a product is not available. In the event a nondomestic agricultural product is to be provided to the Board of Education, the contractor must obtain, in advance, written approval for the product. The School Business Administrator/Board Secretary must comply with the Buy American Provision.

f. Full documentation regarding the reason an accepted item was unavailable, and the procedure used in determining acceptable alternates, will be available for audit and review. The person responsible for this documentation is the School Business Administrator/Board Secretary.

g. The School Business Administrator/Board Secretary is responsible for maintaining all procurement documentation.

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D∈. Small Purchase Procedures

If the amount of purchases for items is less than the school district's small purchase threshold as outlined in the Federal Funds Procurement Method Selection Chart – See Appendix, the following small purchase procedures including quotes will be used. Quotes from a minimum number of three qualified sources will be required.

1. Written specifications will be prepared and provided to all vendors.

2. Each vendor will be contacted and given an opportunity to provide a price quote on the same specifications. A minimum of three vendors shall be contacted.

3. The School Business Administrator/Board Secretary or designee will be responsible for contacting potential vendors when price quotes are needed.

4. The price quotes will receive appropriate confidentiality before award.

5. Quotes/Bids will be awarded by the School Business Administrator/Board Secretary. Quotes/Bids will be awarded on the following criteria. Quote/Bid price must be the highest weighted criteria. Examples of other possible criteria include quality, service, delivery, and availability.

6. The School Business Administrator/Board Secretary will be responsible for documentation of records to show selection of vendor, reasons for selection, names of all vendors contacted, price quotes from each vendor, and written specifications.

7. The School Business Administrator/Board Secretary or designee will be responsible for documentation that the actual product specified is received.

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8. Any time an accepted item is not available, the School Business Administrator/Board Secretary will select the acceptable alternate. Full documentation will be made available as to the selection of the acceptable item.

9. The School Business Administrator/Board Secretary or designee is required to sign all quote tabulations, signifying a review and approval of the selections.

~~E~~D. Noncompetitive Proposal Procedures

If items are available only from a single source when the award of a contract is not feasible under small purchase, sealed bid or competitive negotiation, noncompetitive proposal procedures will be used:

1. Written specifications will be prepared and provided to the vendor.

2. The School Business Administrator/Board Secretary will be responsible for the documentation of records to fully explain the decision to use the noncompetitive proposal. The records will be available for audit and review.

3. The School Business Administrator/Board Secretary or designee will be responsible for documentation that the actual product or service specified was received.

4. The School Business Administrator/Board Secretary will be responsible for reviewing the procedures to be certain all requirements for using single source or noncompetitive proposals are met.

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5. ~~Non-Public Schools Only -~~ The noncompetitive micro-purchase method shall be used for one-time purchases of a new food item if the amount is less than the **applicable Federal or State** ~~Federal~~ micro-purchase threshold ~~(2 CFR 200.67)~~ to determine food acceptance by students and provide samples for testing purposes. A record of noncompetitive negotiation purchase shall be maintained by the School Business Administrator/Board Secretary or designee. At a minimum, the record of noncompetitive purchases shall include: item name; dollar amount; vendor; and reason for noncompetitive procurement.

6. A member or representative of the Board of Education will approve, in advance, all procurements that result from noncompetitive negotiations.

~~F~~E. Miscellaneous Provisions

1. New product evaluation procedures will include a review of product labels and ingredients; an evaluation of the nutritional value; taste tests and surveys; and any other evaluations to ensure the new product would enhance the program.

2. The Board of Education agrees the reviewing official of each transaction will be the School Business Administrator/Board Secretary.

3. Payment will be made to the vendor when the contract has been met and verified and has met the Board of Education's procedures for payment. (If prompt payment is made, discounts, etc., are accepted.)

4. Specifications will be updated as needed.

5. If the product is not as specified, the following procedure, including, but not limited to, will take place: remove product from service; contact vendor for approved alternate product; or remove product from bid.

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~~G~~F. Emergency Purchases

1. If it is necessary to make a one-time emergency procurement to continue service or obtain goods, and the public exigency or emergency will not permit a delay resulting from a competitive solicitation, the purchase must be authorized using a purchase order signed by the School Business Administrator/Board Secretary. The emergency procedures to be followed for such purchases shall be those procedures used by the school district for other emergency purchases consistent with N.J.S.A. 18A:18A-7. All emergency procurements shall be approved by the School Business Administrator/Board Secretary. At a minimum, the following emergency procurement procedures shall be documented to include, but not be limited to: item name; dollar amount; vendor; and reason for emergency.

~~H~~G. Purchasing Goods and Services – Cooperative Agreements, Agents, and Third-Party Services (Piggybacking)

1. When participating in intergovernmental and inter-agency agreements the Board of Education will ensure that competitive procurements are conducted in accordance with 2 CFR Part 200.318 through .326 and applicable program regulations and guidance.

2. When utilizing the services of a co-op, agent, or third party the Board of Education will ensure that the following conditions have been met **and considered as one source of pricing in addition to other prices**:

   a. All procurements were subject to full and open competition and were made in accordance with Federal/State/local procurement requirements;

   b. The existing contract allows for the inclusion of additional Board of Educations that were not contemplated in the original procurement to purchase the same supplies/equipment through the original award;

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c. The specifications in the existing contract meets their needs and that the items being ordered are in the contract;

d. The awarded contract requires all the Federally required certifications; e.g. Buy American, debarment, restrictions on lobbying, etc.;

e. The agency will confirm the addition of their purchasing power (goods or services) to the procurement in scope or services does not create a material change, resulting in the needs to re-bid the contract;

f. Administrative costs (fees) for participating in the agreement are adequately defined, necessary and reasonable, and the method of allocating the cost to the participating agencies must be specified;

g. The Buy American provisions are included in the procurement of food and agricultural products; and

h. The agreement includes the basis for and method of allocating each discount, rebate, or credit and how they will be returned to each participating agency when utilizing a cost-reimbursable contract.

~~H~~. Records Retention

1. The Board of Education shall agree to retain all books, records, and other documents relative to the award of the contract for three years after final payment. If there are audit findings that have not been resolved, the records shall be retained beyond the three-year period as long as required for the resolution of the issues raised by the audit. Specifically, the Board of Education shall maintain, at a minimum, the following documents:

a. Written rationale for the method of procurement;

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b. A copy of the original solicitation;

c. The selection of contract type;

d. The bidding and negotiation history and working papers;

e. The basis for contractor selection;

f. Approval from the State agency to support a lack of competition when competitive bids or offers are not obtained;

g. The basis for award cost or price;

h. The terms and conditions of the contract;

i. Any changes to the contract and negotiation history;

j. Billing and payment records;

k. A history of any contractor claims;

l. A history of any contractor breaches; and

m. Any other documents as required by N.J.S.A. 18A:18A – Public School Contracts Law.

J~~I~~. Code of Conduct for Procurement

1. All procurements must ensure there is open and free competition and adhere to the most restrictive Federal, State, and local requirements. The Board of Education seeks to conduct all procurement procedures in compliance with stated regulations and to prohibit conflicts of interest and actions of employees engaged in the selection, award, and administration of contracts. All procurements will be in accordance with this Policy and all

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applicable provisions of N.J.S.A. 18A:18A – Public School Contracts Law.

2. No employee, officer, or agent may participate in the selection, award, or administration of a contract supported by a Federal, State, or local award if he or she has a real or apparent conflict of interest. Such a conflict of interest would arise when the employee, officer, or agent; any member of his or her immediate family, his or her partner; or an organization which employs or is about to employ any of the parties indicated herein has a financial or other interest in or a tangible personal benefit from a firm considered for a contract.

3. The officers, employees, and agents of the non-Federal entity may neither solicit nor accept gratuities, favors, or anything of monetary value from contractors or parties to subcontracts. However, non-Federal entities may set standards for situations in which the financial interest is not substantial or the gift is an unsolicited item of nominal value.

4. The standards of conduct must provide for disciplinary actions to be applied for violations of such standards by officers, employees, or agents of the non-Federal entity. Based on the severity of the infraction, the penalties could include a written reprimand to their personnel file, a suspension with or without pay, or termination.

5. All questions and concerns regarding procurement solicitations, contract evaluations, and contract award, shall be directed to the School Business Administrator/Board Secretary.

K~~J~~. Food Service Management Company (FSMC)

1. In the operation of the school district's food service program, the school district shall ensure that a FSMC complies with the

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requirements of the Program Agreement, the school district's Free and Reduced School Lunch Policy Statement, all applicable USDA program policies and regulations, and applicable State and local laws. In order to operate an a la carte food service program, the FSMC shall agree to offer free, reduced price, and full price reimbursable meals to all eligible children.

2. The school district shall monitor the FSMC billing invoices to ensure compliance with Federal and State procurement regulations.

3. In accordance with N.J.S.A. 18A:18A-5a.(22), RFPs are required in all solicitations for a FSMC.

N.J.S.A. 18A:18A – Public School Contracts Law
New Jersey Department of Agriculture
"Procurement Procedures for School Food Authorities" Model Policy – September 2018

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APPENDIX

~~FEDERAL FUNDS PROCUREMENT METHOD SELECTION CHART~~		
~~THERE ARE TWO (2) PROCUREMENT METHODS, FORMAL AND INFORMAL. THE METHOD THE SCHOOL FOOD AUTHORITIES (SFA) NEEDS TO USE DEPENDS ON TWO (2) FACTORS, THE AMOUNT OF THE CONTRACT AND WHETHER THE SFA IS A PUBLIC/CHARTER OR NON-PUBLIC SCHOOL.~~		
~~NEW JERSEY PUBLIC/CHARTER SCHOOLS PURCHASING THRESHOLDS~~		
~~AMOUNT~~	~~ACTIVITY~~	~~PROCUREMENT METHOD~~
~~INFORMAL PROCUREMENT~~		
~~Below $4,350 without QPA~~	~~N.J.S.A 18A:18A-3~~	~~Sound Business Practice *~~
~~Below $6,000 with QPA~~	~~APPLIES TO PURCHASES BELOW THE QUOTATION THRESHOLDS~~	
~~SMALL PURCHASE QUOTATION PROCEDURES~~		
~~$4,351 OR $6,001 up to $29,000 or $40,000~~	~~N.J.S.A. 18A:18A-37 ANY PURCHASE EXCEEDING QUOTATION THRESHOLDS REQUIRES A QUOTE UP TO THE APPLICABLE N.J.S.A. BID THRESHOLDS OF $29,000 (without a QPA*) OR $40,000 (with a QPA*)~~	~~Quotation using SFA Internal Procurement Procedures~~
~~NOTE: ANNUAL AGGREGATE AMOUNTS~~		
~~FORMAL PROCUREMENT~~		
~~$29,000 or $40,000 and above~~	~~N.J.S.A. 18A:18A-37 Bid Threshold without a QPA* - $29,000 Bid Threshold with a QPA* - $40,000~~	~~Bid - Invitation for Bid (IFB) OR Request for Proposal (RFP)~~
~~* QUALIFIED PURCHASING AGENT~~		
~~NEW JERSEY NON-PUBLIC SCHOOL PURCHASING THRESHOLDS~~		
~~AMOUNT~~	~~ACTIVITY~~	~~PROCUREMENT METHOD~~
~~INFORMAL PROCUREMENT~~		
~~Below $10,000 *~~	~~Micro - purchases 2 CFR 200.320(a)~~	~~Sound Business Practice *~~

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	~~Single Transaction aggregate cost less than $10,000~~	
~~* Or LESS than $10,000 if local SFA Procurement Policies are more restrictive~~		
~~$10,001 - $249,999~~	~~Small purchase procedures 2 CFR 200.320(b)~~	~~Quotation using SFA Internal Procurement Procedures~~
~~FORMAL PROCUREMENT~~		
~~$250,000 and above~~	~~As per Federal requirements in 2 CFR Parts 200.317 - 200.326~~	~~Bid - Invitation for Bid (IFB) OR Request for Proposal (RFP)~~

~~Note: The Federal Funds Procurement Method Selection Chart is subject to change in accordance with the schedule set forth in N.J.S.A. 18A:18A-3 "Public School Contracts Law". A "Qualified Purchasing Agent" must be qualified in accordance with N.J.S.A. 40A:11-9. In order to track updates to this Chart, the source document can be located on the New Jersey Department of Agriculture's website under "Forms and Publications" it is titled, "State Agency Form #358."~~

Note: Use previously approved chart from this policy

Adopted:

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