

REGULATION MONTGOMERY COUNTY PUBLIC SCHOOLS

Related Entries: DIA-RB, DJA, DJA-RB
Responsible Office: Office of the Chief Financial Officer

Procurement of Equipment, Supplies, and 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 services used by Montgomery County Public Schools (MCPS)

II. DEFINITIONS

- A. 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, 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, goalposts, underground storage tanks, and lawn sprinkling systems.
- B. Instructional equipment includes items required for the delivery of instruction or for students to demonstrate mastery of the curriculum. The Maryland State Department of Education (MSDE) defines instructional equipment as Category 05 expenditures.

- C. Instructional supplies include materials, textbooks, and other media required for the delivery of instruction or for students to demonstrate mastery of the curriculum. MSDE defines instructional supplies as Category 04 expenditures.
- D. 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 the 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 laboratory desk, that can be moved as a unit once the bolts or screws have been removed is moveable.
- E. Program official means the chief academic officer; the deputy superintendent of school support and improvement; the chief operating officer; and any department/division director or other MCPS official designated by the superintendent of schools, who is authorized to request contractual services.
- F. Project manager means the person named in a procurement solicitation and contract as being the project’s official representative to the vendor concerning the technical requirements of the solicitation and the contract.
- G. Services include professional services such as expert advice to support policy development, decision making, administration, or management of a business application or process when such services cannot be provided by MCPS personnel. Services may also be required for the delivery and/or maintenance of operational systems. Services may be obtained through a request for proposal when technical considerations and cost are valid criteria in the evaluation.

III. PROCEDURES

- A. The Procurement Manual (manual) is the MCPS document that governs all procurement of equipment, supplies, and services, except the procurement of books and other materials of instruction; legal, architectural, and engineering services; or buildings, structures, land, or major capital equipment replacements. The manual shall be considered an integral part of this regulation.
 - 1. The responsibility for updating, maintaining, distributing, and enforcing the provisions of the manual is vested in the deputy chief of the Office of Finance.

2. The manual sets forth all procurements requiring approval of the Montgomery County Board of Education. Board approval is required after competitive bidding for any expenditure of \$25,000 and above.
3. Any MCPS staff member required to function as either a program official or a project manager is responsible for following the procedures set forth in the manual.

B. Background Check Requirement and Prohibition Against Hiring Sex Offenders

1. Under Maryland law, any contractor or member of the contractor's workforce who will be working in an MCPS facility where they have direct, unsupervised, and uncontrolled access to students must undergo a criminal background check, including fingerprinting.
 - a. An individual in the contractor's workforce may not begin work in an MCPS school facility on an assignment where the individual will have direct, unsupervised, and uncontrolled access to children until
 - i. the background check results for that individual have been received by MCPS
 - ii. the contractor certifies to MCPS that the individual has received training and/or reviewed the informational materials, as appropriate, regarding recognizing, reporting, and preventing child abuse and neglect, consistent with the content provided in training for MCPS employees; and
 - iii. the individual obtains an MCPS identification badge.
2. Contractors may not knowingly employ a registered sex offender to work in a school.
 - a. Each contractor is required to submit, following the award of a contract, documentation confirming that its direct employees and those of any subcontractors and/or independent contractors assigned to perform work in an MCPS school facility under the contractor meet this obligation.
 - b. Additionally, the contractor must confirm that it continues to meet this obligation on an annual basis and/or when there are changes in the workforce that the contractor and/or its subcontractors use to perform the work required by the contract.

3. The Division of Procurement may codify further implementing guidance as appropriate in the Procurement Manual.

C. Responsible Officials

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

1. The project manager reviews vendor performance and recommends to the account manager payment of vendor invoices. Any items not approved for payment must be documented.
2. The deputy chief of the Office of Finance is responsible for all contract administration involving the procurement of equipment, supplies, and services, including the following:
 - a) Issuing bids, procurement solicitations, and contract documents
 - b) Obtaining approval for the award of a contract
 - c) Issuing notification of contract awards
 - d) Authorizing payments
 - e) Enforcing contractual terms and conditions
 - f) Obtaining legal review of contracts as appropriate
3. The deputy chief of the Office of Facilities Management is responsible for the procurement of professional services necessary to implement capital projects, land acquisitions, bids for capital projects, and major capital equipment replacements, including the following:
 - a) Administering qualifications-based selection processes for architects, engineers, construction managers, and other professional services necessary to implement capital projects
 - b) Negotiating fees with the most qualified firms, based on historical data and industry and market standards
 - c) Soliciting multi-step sealed bids for technical offers to determine a firm's qualification for specific projects

- d) Issuing bids, solicitations, and contract documents for capital projects
 - e) Recommending awards to the superintendent of schools and the Board
 - f) Issuing notification of contract awards and notices to proceed
 - g) Authorizing payments
 - h) Enforcing contractual terms and conditions
4. The Office of Finance develops guidelines for schools and offices to determine appropriate funding sources and processes for requesting exceptions to these guidelines.
 5. Schools must request approval from the Office of Finance to utilize instructional supply funds for the purchase of classroom furniture and instructional equipment.
 6. Requests to purchase instructional computer technology must be approved by the Office of the Chief of Strategic Initiatives.

Related Sources: Procurement Manual

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, revised July 1, 2013; revised February 1, 2016; revised August 20, 2024.

MCPS NONDISCRIMINATION STATEMENT

Montgomery County Public Schools (MCPS) prohibits illegal discrimination based on race, ethnicity, color, ancestry, national origin, nationality, religion, immigration status, sex, gender, gender identity, gender expression, sexual orientation, family structure/parental status, marital status, age, ability (cognitive, social/emotional, and physical), poverty and socioeconomic status, language, or other legally or constitutionally protected attributes or affiliations. Discrimination undermines our community's long-standing efforts to create, foster, and promote equity, inclusion, and acceptance for all. The Board prohibits the use of language and/or the display of images and symbols that promote hate and can be reasonably expected to cause substantial disruption to school or district operations or activities. For more information, please review Montgomery County Board of Education Policy ACA, *Nondiscrimination, Equity, and Cultural Proficiency*. This Policy affirms the Board's belief that each and every student matters, and in particular, that educational outcomes should never be predictable by any individual's actual or perceived personal characteristics. The Policy also recognizes that equity requires proactive steps to identify and redress implicit biases, practices that have an unjustified disparate impact, and structural and institutional barriers that impede equality of educational or employment opportunities. MCPS also provides equal access to the Boy/Girl Scouts and other designated youth groups.*

It is the policy of the state of Maryland that all public and publicly funded schools and school programs operate in compliance with:

- (1) Title VI of the federal Civil Rights Act of 1964; and
- (2) Title 26, Subtitle 7 of the Education Article of the Maryland Code, which states that public and publicly funded schools and programs may not
 - (a) discriminate against a current student, a prospective student, or the parent or guardian of a current or prospective student on the basis of race, ethnicity, color, religion, sex, age, national origin, marital status, sexual orientation, gender identity, or disability;
 - (b) refuse enrollment of a prospective student, expel a current student, or withhold privileges from a current student, a prospective student, or the parent or guardian of a current or prospective student because of an individual's race, ethnicity, color, religion, sex, age, national origin, marital status, sexual orientation, gender identity, or disability; or
 - (c) discipline, invoke a penalty against, or take any other retaliatory action against a student or parent or guardian of a student who files a complaint alleging that the program or school discriminated against the student, regardless of the outcome of the complaint.**

Please note that contact information and federal, state, or local content requirements may change between editions of this document and shall supersede the statements and references contained in this version. Please see the online version for the most up-to-date information at www.montgomeryschoolsmd.org/info/nondiscrimination.

<p>For inquiries or complaints about discrimination against MCPS students***</p> <p>Director of Student Welfare and Compliance Office of District Operations Student Welfare and Compliance 15 West Gude Drive, Suite 200, Rockville, MD 20850 240-740-3215 SWC@mcpsmd.org</p>	<p>For inquiries or complaints about discrimination against MCPS staff***</p> <p>Human Resource Compliance Officer Office of Human Resources and Development Department of Compliance and Investigations 45 West Gude Drive, Suite 2500, Rockville, MD 20850 240-740-2888 DCI@mcpsmd.org</p>
<p>For student requests for accommodations under Section 504 of the Rehabilitation Act of 1973</p> <p>Section 504 Coordinator Office of School Support and Improvement Well-Being and Student Services 850 Hungerford Drive, Room 257, Rockville, MD 20850 240-740-3109 504@mcpsmd.org</p>	<p>For staff requests for accommodations under the Americans with Disabilities Act</p> <p>ADA Compliance Coordinator Office of Human Resources and Development Department of Compliance and Investigations 45 West Gude Drive, Suite 2500, Rockville, MD 20850 240-740-2888 DCI@mcpsmd.org</p>
<p>For inquiries or complaints about sex discrimination under Title IX, including sexual harassment, against students or staff***</p> <p>Title IX Coordinator Office of District Operations Student Welfare and Compliance 15 West Gude Drive, Suite 200, Rockville, MD 20850 240-740-3215 TitleIX@mcpsmd.org</p>	

*This notification complies with the federal Elementary and Secondary Education Act, as amended.

**This notification complies with the Code of Maryland Regulations Section 13A.01.07.

***Discrimination complaints may be filed with other agencies, such as the following: U.S. Equal Employment Opportunity Commission (EEOC), Baltimore Field Office, GH Fallon Federal Building, 31 Hopkins Plaza, Suite 1432, Baltimore, MD 21201, 1-800-669-4000, 1-800-669-6820 (TTY); Maryland Commission on Civil Rights (MCCR), William Donald Schaefer Tower, 6 Saint Paul Street, Suite 900, Baltimore, MD 21202, 410-767-8600, 1-800-637-6247, mCCR@maryland.gov; Agency Equity Officer, Office of Equity Assurance and Compliance, Office of the Deputy State Superintendent of Operations, Maryland State Department of Education, 200 West Baltimore Street, Baltimore, MD 21201-2595, oeac.msde@maryland.gov; or U.S. Department of Education, Office for Civil Rights (OCR), The Wanamaker Building, 100 Penn Square East, Suite 515, Philadelphia, PA 19107, 1-800-421-3481, 1-800-877-8339 (TDD), OCR@ed.gov, or www2.ed.gov/about/offices/list/ocr/complaintintro.html.

This document is available, upon request, in languages other than English and in an alternate format under the *Americans with Disabilities Act*, by contacting the MCPS Office of Communications at 240-740-2837, 1-800-735-2258 (Maryland Relay), or PIO@mcpsmd.org. Individuals who need sign language interpretation or cued speech transliteration may contact the MCPS Office of Interpreting Services at 240-740-1800, 301-637-2958 (VP) mcpsinterpretingservices@mcpsmd.org, or MCPSInterpretingServices@mcpsmd.org.