

# REGULATION

## MONTGOMERY COUNTY PUBLIC SCHOOLS

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**Related Entries:** DIA-RB, DJA, DJA-RB

**Responsible Office:** Chief Operating Officer

**Related Sources:** *Procurement Manual*

### 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, goal posts, 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 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 director of the Department of Materials Management (DMM).

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. 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 director of the DMM 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 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 director of the Department 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 award and notices to proceed
  - g) Authorizing payments
  - h) Enforcing contractual terms and conditions
4. The Office of the Chief Operating Officer (OCOO) 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 OCOO 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 Technology Officer.

**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.