

## Procedure © 3-109.A Procurement - Compliance Requirements

The District shall comply with all requisite procurement laws and regulations, including but not limited to the State Board of Education's procurement code for school districts (School Procurement Code) in [Ariz. Admin. Code R7-2-1001](#) *et seq.*

When determining the level of competitive purchasing required (i.e., written quotes, sealed bids or proposals), the District shall consider not only the dollar amount of the current purchase, but the total dollar amount of all like-item purchases that might occur during the fiscal year. If the amount of the good or service that will be needed during the year is uncertain, the District should analyze cumulative purchases of like items for the previous fiscal year and adjust the estimate for any changes (e.g., increased enrollment, new school) that might affect the amount of the good or service needed.

The Superintendent may delegate the Superintendent's procurement authority in a manner that is compliant with [Ariz. Admin. Code R7-2-1007](#).

### A. Quotations

Purchases of less than \$20,000 may be made at the discretion of the Superintendent. Such procurements are not subject to competitive purchasing requirements, however reasonable judgment should be used to ensure the purchases are advantageous to the District.

Written price quotations will be requested from at least three (3) vendors for transactions of at least \$10,000 but not more than \$100,000 or the threshold as specified in [A.R.S. § 41-2535](#) and Uniform System of Financial Records (USFR) § VI-G. A request for quotations should be issued in sufficient time before the purchase is to be made and in adequate detail to allow vendors to respond effectively. If three (3) written price quotations cannot be obtained, documentation showing that the vendors contacted did not offer written price quotations, or explaining why written price quotations were not obtained, shall be maintained in the procurement file.

### B. Sealed Bids or Proposals

Sealed bids and proposals shall be requested for transactions to purchase construction, materials, or services costing more than \$100,000. The District may use an alternative form of procurement as authorized.

### C. Bidder List

The District shall maintain a prospective bidders' list. Vendors desiring to be included on the District's prospective bidders' list must notify the District. If the District's prospective bidders' list has four (4) or fewer prospective bidders on the list, the District shall publish notices of the invitation for bids or request for proposals in the official newspaper of the County in addition to issuing an invitation for bids or request for proposals to vendors on the bidders' list.

### D. Cooperative Purchasing

In lieu of obtaining quotations or conducting a competitive procurement, the District may purchase materials, services, specified professional services, construction, or construction services with one or more public procurement units pursuant to a cooperative purchasing agreement approved by the Governing Board.

Prior to making a purchase under a cooperative purchasing agreement, the District shall perform due diligence to ensure that the cooperative purchase is in compliance with the School Procurement Code.

Prior to making a purchase through a cooperative purchasing agreement of \$100,000 or more, the District representative shall document the reasons that a cooperative purchasing agreement is advantageous to the District. All purchases made from a cooperative purchasing agreement costing more than \$100,000 shall be approved by the Board.

#### E. Emergency Purchases

An exception to the requisite procedures for price competition may be made in the event of an emergency involving the health, safety, or welfare of school personnel or students. In such an emergency, declared by the Superintendent, emergency purchase action may be taken without price competition, if necessary. Even under emergency conditions, price competition should be sought if it will not unacceptably delay the correction of the condition requiring emergency procedures. If emergency purchases are made without price competition, a complete written description of the circumstances should be maintained in the procurement file.

#### F. Sole Source Procurements

A contract may be awarded for a material, service, or construction item without competition if the Board determines that there is only one (1) source for the required material, service, or construction item. The District may require the submission of cost or pricing data in connection with an award pursuant to [Ariz. Admin. Code R7-2-1053](#). Sole-source procurement shall be avoided, except when no reasonable alternative source exists. A copy of the written evidence and determination of the basis for the sole-source procurement shall be retained in the procurement file by the District.

The District shall, to the extent practicable, negotiate with the single supplier a contract advantageous to the District.

#### G. Alternative Procurement

The Governing Board authorizes the use of alternative forms of procurement for construction other than competitive sealed bids, including requests for proposals, construction-manager-at-risk, design-build, and job-order contracting methods of construction.

#### H. Electronic Bidding/Reverse Auctions

The District may procure goods, services and equipment via electronic, on-line bidding or use reverse auctions as permitted and documented in the School Procurement Code.

#### I. No Bid Splitting

In determining the method of source selection based upon the aggregate dollar amount of a purchase, the District shall consider the scope and total cost of the entire purchase. Procurement requirements shall not be artificially divided or fragmented so as to circumvent the source selection procedures required by the School Procurement Code.

#### J. Multiple Year Purchases

The District may enter into purchasing contracts for a period of up to five (5) years if the District determines in writing as follows:

1. The estimated requirements cover the contract period and are reasonable and continuing;
2. A multi-term contract will serve the District's best interest by encouraging competition or promoting economies in procurement; and

3. If monies are not appropriated or available in future years, the contract will be cancelled.

K. Documentation and Inspection

The District shall make available for inspection all procurement files upon request of a vendor or as otherwise required.

Documentation provided will include information regarding the most advantageous, with respect to price, conformity to the specifications, conflict of interest declarations and other factors, or whose proposal for qualifications are to be used to select and award the bid. The District will include in the procurement file the rationale for awarding a contract for any specified professional services, construction, construction service or materials to an entity selected from a qualified select bidders' list or through a school purchasing cooperative. The invitation for bids, request for proposals or request for qualifications shall include a notice that all information and bids, proposals and qualifications submitted will be made available for public inspection.

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**Beaver Creek School District**

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