

**State Board of Education Rules**  
**Last Revised or Published, March 2008**  
**Food and Nutrition Management Section**  
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**6A-1.012 Purchasing Policies.**

Each district school board shall establish purchasing rules which shall include but not be limited by the following:

(1) The superintendent may be authorized to purchase products or services or to enter into temporary employment contracts where the total amount does not exceed an amount prescribed by the school board, and does not exceed the applicable appropriation in the district budget. The superintendent may also be authorized to purchase instructional materials under state contract. Assistants functioning under the superintendent's direction may be authorized to perform these purchasing tasks. No person, unless authorized to do so under rules of the school board, may make any purchase or enter into any contract involving the use of school funds; no expenditures for any such unauthorized purchase or contract shall be approved by the school board.

(2) Before making any purchase or contracting for services which the superintendent is authorized by the school board to make or before recommending any purchase to the board, the superintendent shall, insofar as possible, propose standards and specifications. He or she shall see that the purchase or contract conforms to those standards and specifications, and shall take such other steps as are necessary to see that the maximum value is being received for any money expended.

(3) In each district in which the purchasing agent for any public agency of the state is authorized by law to make purchases for the benefit of other governmental agencies within the county, the school board shall have the option to purchase under the current contracts as may be established for any of the public agencies as set forth above at the unit price stated therein, if such purchase is to the economic advantage of the school board, subject to conformance of the items of purchase to the standards and specifications prescribed by the superintendent for said district.

(4) As required by Section 1001.42(10)(j), Florida Statutes, the school board shall receive and give consideration to the prices available to it under rules of the Department of Management Services, Division of Purchasing. School boards may use prices established by the Division of Purchasing through its state negotiated agreement price schedule. If school board policy provides for purchasing under this program of negotiated price agreements, the conditions for use shall be those imposed on state agencies.

(5) In lieu of requesting bids from three (3) or more sources, school boards may make purchases at the unit prices in contracts awarded by other city or county governmental agencies, other school boards, community colleges, or state university system cooperative bid agreements when the bidder awarded a contract by another entity defined herein will permit purchases by a school board at the same terms, conditions, and unit prices awarded in such contract, and such purchases are to the economic advantage of the school board.

(6) Except as authorized by law or rule, bids shall be requested from three (3) or more sources for any authorized purchase or contract for services exceeding the amount established in Section 287.017, Florida Statutes, for purchasing category two. School boards, by rule, shall set this amount or a lesser amount and shall establish purchasing policy relative to purchases of a dollar value less than this formal bid threshold. The school board shall have the authority to reject any or all bids and request new bids. In acceptance of bids, the school board shall accept the lowest and best bid from a responsive and responsible bidder. The school board is not required to request bids for purchases made from contracts of the Department of Management Services as referenced in subsection (4) of this rule. Bids are not required for purchases made through the pool purchase provisions of Section 1006.27, Florida Statutes.

(7) The requirement for requesting bids from three (3) or more sources is hereby waived as authorized by Section 1010.04(4), Florida Statutes, for the purchase of professional or educational services, educational tests, textbooks, printed instructional materials, computer software, films, filmstrips, videotapes, disc or tape recordings, or similar audio-visual materials, and for library and reference books, and printed library cards where such materials are purchased directly from the producer or publisher, the owner of the copyright, an exclusive agent within the state, a governmental agency or a recognized educational institution.

(8) Additional exemptions authorized under certain conditions.

(a) The requirements for requesting bids and making purchases for goods and services as set forth in this section, are hereby waived as authorized by Section 1010.04(4), Florida Statutes, when the following conditions have been met by the district school board:

1. Bids have been requested in the manner prescribed by the State Board, and
2. The school board has made a finding that no valid or acceptable firm bid has been received within the prescribed time.

(b) When such a finding has been officially made, the school board may enter into negotiations with suppliers of such goods and services and shall have the authority to execute contracts with such suppliers under whatever terms and conditions as the board determines to be in the best interests of the school system.

(9) Insofar as practicable, all purchases shall be based on requisitions. Within limits prescribed by the school board, the superintendent shall be authorized to approve requisitions under rules of the school board; provided that in so doing, he or she shall certify that funds to cover the expenditures which would be required by the requisitions are authorized by the budget and have not been encumbered.

(10) A district school board, when acquiring, whether by purchase, lease, lease with option to purchase, rental or otherwise, information technology resources, as defined in Section 282.303(13), Florida Statutes, may make any acquisition through the bid process as described herein or by direct negotiation and contract with a vendor or supplier, as best fits the needs of the school district as determined by the school board.

(11) Except as otherwise required by statute, a district school board, when purchasing insurance, entering risk management programs, or contracting with third party administrators, may make any such acquisitions through the bid process as described herein or by direct negotiations and contract.

*Specific Authority 1001.01, 1010.04 FS. Law Implemented 1001.42(4)(j)1010.04 FS. History—Amended 12-17-65, 5-24-67, 9-17-72, 4-19-74, 9-19-74, Repromulgated 12-5-74, Amended 2-21-77, 3-10-85, Formerly 6A-1.12, Amended 6-27-89, 7-5-90, 6-10-92, 6-29-93, 4-25-96, 4-14-97, 7-17-00.*

#### **6A-1.013 Pool Purchases.**

Two or more districts may jointly pool their requirements and resources and designate one school board, or the Department of Education, to act as agent for all in the requisitioning, bidding, and purchasing of services or commodities. Each district participating in such a pool purchase shall pay its pro rata cost to the district designated as the agent district and each district shall show only the net cost of such purchases in its annual report. The superintendent of the agent district shall in each case furnish each cooperating district a statement certifying that the purchase complied with all applicable laws and rules. If the Department of Education is designated as the agent, purchases shall be made in accordance with the requirements of the Division of Purchasing of the Department of Management Services and such purchases shall be deemed to satisfy the legal requirements of each participating district.

*Specific Authority 1001.01, 1006.27, 1010.04 FS. Law Implemented 1001.42(4)(j), 1010.04 FS. History—New 9-17-72, Repromulgated 12-5-74, Amended 2-21-77, Formerly 6A-1.13.*