

REGULATION

ANNE ARUNDEL COUNTY PUBLIC SCHOOLS

Related Entries: DE, DE-RA, DEA, DEB, DEB-RA, DEC
Responsible Office: PURCHASING OFFICE

VENDOR RELATIONS

A. PURPOSE

To ensure appropriate relations between vendor representatives and Anne Arundel County Public Schools employees (AACPS), and/or vendor representatives and Board of Education of Anne Arundel County (Board) members.

B. BACKGROUND

The Supervisor of Purchasing shall contract with responsible contractors who give the assurance of delivery, reliable products, maximum value for dollars spent, and other advantages. It is the responsibility of the Purchasing Office to appraise suppliers and contractors on these bases.

C. DEFINITIONS

Gift – a single gift or series of gifts that exceed \$20 in value in a calendar year from any person, entity, or employee of an entity that is under the authority of the school system or has or is negotiating a contract with the school system, except where such gift would not present a conflict of interest as determined by the Board Ethics Panel. A gift includes the transfer of any service or thing of economic value regardless of form without adequate and lawful consideration. A gift does not include anything that may be received during scheduled events that is part of a program for professional conferences offered or sponsored equally to all members and/or participants. In accordance with Policy BAF – Ethics and Conflicts of Interests, a gift does not include political campaign contributions regulated under State law.

D. PROCEDURES

Bidding Opportunities

1. The Purchasing Office shall develop an appropriate mechanism to inform suppliers and contractors of bidding opportunities with AACPS.

2. The Supervisor of Purchasing is authorized, for good cause, to suspend for up to 3 years or debar for a period of time in excess of 3 years, suppliers and contractors from bidding on Board business.
3. With the exception of suppliers and contractors who have an appointment with the principal or employees, solicitation by suppliers and contractors during school hours is prohibited.
4. Employees may not favor any particular individual or firm with the purchase of supplies or services or to give those submitting bids or quotations information that would give one advantage over others seeking Board business, except as otherwise provided in policy or regulations.
5. Board members and AACPS employees may not purchase materials, supplies, or equipment for their private use, or the private use of others, through the resources of the Purchasing Office.

Gifts

Except as provided below, Board members and AACPS employees may not accept gifts, entertainment, gratuities, travel, living expenses, fees or honoraria from suppliers or contractors for any reason, including for addresses or papers given before supplier audiences.

1. Unsolicited gifts that are perishable or otherwise useful in AACPS operations may be donated in the name of the supplier or contractor in accordance with the 21st Century Education Foundation's procedures for reallocation within the school system. A letter of explanation shall be sent to the supplier or contractor notifying them of this action and the appropriate method to make any donations.
2. Suppliers and contractors shall be notified that the giving or offering of a gift or series of gifts to a Board official or employee is improper and may result in disqualification from future work on the grounds that the donor/offeree is no longer a responsible supplier or contractor.

Disputes

The Purchasing Office shall resolve contract and procurement disputes as set forth herein unless there is another process set forth in a contract to which the Board is a party.

1. Suppliers and contractors shall formalize the dispute in writing and send it to the Supervisor of Purchasing within 10 calendar days following the

date that the decision on the matter being disputed is made or becomes known to the supplier or contractor. Any dispute that is not sent to the

Supervisor of Purchasing within 10 calendar days shall be considered untimely and dismissed.

2. The Supervisor of Purchasing has the authority to resolve disputes through negotiations when necessary. Disputes that cannot be resolved shall be addressed in accordance with the protest procedures as described below.
 - a. A supplier or contractor may protest a decision involving a contract dispute or any matter relative to the methods, practices or decisions made by the Purchasing Office in accordance with these procedures. Matters that are not communicated by the supplier or contractor within the established deadlines shall be considered untimely and shall be dismissed.
 - b. The response at this initial level of the protest shall be made by the Supervisor of Purchasing, who shall respond to the supplier or contractor within 20 business days after receipt of the written protest. The response of the Supervisor of Purchasing shall outline the findings and resulting disposition of the protest, and shall advise the supplier or contractor of the right to appeal the decision to the Superintendent. An appeal to the Superintendent shall be sent within 10 calendar days after the supplier or contractor receives a copy of the decision.
 - c. The Superintendent or the Superintendent's designee shall respond to the supplier or contractor within 20 business days after receipt of the written appeal. The response of the Superintendent or the Superintendent's designee shall outline the findings and resulting disposition of the appeal, and shall advise the supplier or contractor of the right to appeal the decision to the Board. An appeal to the Board shall be submitted within 30 calendar days after the supplier or contractor receives a copy of the decision by the Superintendent or the Superintendent's designee.
 - d. An appeal to the Board shall be processed in accordance with the provisions regarding administrative appeals under Section 4-205(c) of the *Board's Rules of Procedure for Appeals and Hearings*.
3. If the decision being protested was made by a buyer in the Purchasing Office, the protest shall be filed with the Supervisor of Purchasing. If the decision being protested was made by the Supervisor of Purchasing or the

Supervisor of Purchasing's designee, the protest shall be filed with the Superintendent or the Superintendent's designee.

4. Board members and AACPS employees may not, in any private purchase, use their position in an effort to obtain a price or service consideration better than that offered to the general public.
5. Employees who have any interest which may conflict or appear to conflict with the interest of AACPS shall report such conflict of interest in writing to the Superintendent. Such notice shall include the nature of the conflict of interest, including but not limited to, the name of the supplier or contractor. The Purchasing Office shall review the matter before placing any future orders.
6. The Superintendent supports the Association of School Business Official's Standards of Conduct for School Business Officials.

Regulation History: Developed by Superintendent 05/11/05
Reviewed by Board of Education 05/18/05
Issued 05/23/05; Revised 07/12/17

Note Previous Regulation History: Replaces Policy 405.03, adopted 11/05/97