

Book Policy Manual

Section Vol. 40, No. 2 - January 2022

Title Vol. 40, No. 2 - January 2022

Code 2 - Policy Disposition Sheet

Status 1) Reading and Review

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**DISPOSITION OF NEW/REVISED/REPLACEMENT
POLICIES FOR BOARD ADOPTION**

VOLUME 40, NO. 2 - JANUARY 2022

Coding for Educational Service Center-Specific Edits

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Policy Number	Date Adopted	Center-Specific Edits (1, 2, or 3)	Date Tabled	Date Rejected
po1439				<u>03/16/2022</u>
po1616	<u>03/16/2022</u>			
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po3216	<u>03/16/2022</u>			
po4216	<u>03/16/2022</u>			
po4439				<u>03/16/2022</u>
po5511	<u>03/16/2022</u>			
po5772	<u>03/16/2022</u>			
po6110	<u>03/16/2022</u>			
po6114	<u>03/16/2022</u>			
po6325	<u>03/16/2022</u>			
po6423	<u>03/16/2022</u>			
po7217	<u>03/16/2022</u>			
po8500				<u>03/16/2022</u>

[illegible]

Book Policy Manual
Section Vol. 40, No. 2 - January 2022
Title Vol. 40, No. 2 - January 2022 New HOLIDAYS
Code po1439
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~~1439 - HOLIDAYS~~

A. ~~Administrative employees () excluding the Treasurer, Superintendent, _____, whether salaried or compensated on an hourly or per diem basis, are entitled to a minimum of the following holidays for which they shall be paid their regular salary or their regular rate of pay:~~

- ~~1. New Year's Day;~~
- ~~2. Martin Luther King Day;~~
- ~~3. Memorial Day;~~
- ~~4. Independence Day;~~
- ~~5. () Juneteenth Day; [DRAFTING NOTE: Pursuant to R.C. 3319.087, which applies to regular nonteaching employees, school boards must include Juneteenth Day as a holiday for nine (9) and ten (10) month employees, but is not required to do so for eleven (11) and twelve (12) month employees. Boards may elect to provide this day as a paid holiday for all other employees.]~~
- ~~6. Labor Day;~~
- ~~7. Thanksgiving Day, and;~~
- ~~8. Christmas Day.~~
- ~~9. () _____~~
- ~~10. () _____~~

~~{DRAFTING NOTE: A Governing Board has the authority to approve paid holidays for eligible administrative employees under State law. Boards should approve holidays through some type of official Board action, such as by including holidays in an administrator's employment contract, Board policy, and/or approved administrator handbook. A Board of education may adopt this policy in lieu of or in addition to including a provision for holidays in the employment contract or handbook.}~~

- B. ~~To be eligible for a paid holiday, administrative employees must have accrued earnings on the next preceding and next following scheduled workdays before and after such holiday or must be properly excused from attendance at work on either or both of these days. Holidays must fall during the time of year in which an administrative employee is scheduled to work. Eligible employees receive their regular salary or an hourly rate of pay on a holiday.~~
- C. ~~If New Years Day (January 1st), Independence Day (July 4th), and/or Christmas Day (December 25th) fall on a Sunday, then they shall be observed on the following Monday. () If any of these holidays fall on a Saturday, they will be observed the Friday before.~~

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Book	Policy Manual
Section	Vol. 40, No. 2 - January 2022
Title	Vol. 40, No. 2 - January 2022 New STAFF DRESS AND GROOMING
Code	po1616
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1616 - **STAFF DRESS AND GROOMING**

The Governing Board believes that administrators set an example in dress and grooming for their students and other Educational Service Center employees to follow. An administrator who understands this precept and adheres to it enlarges the importance of his/her task, presents an image of dignity, and encourages respect for authority. These factors act in a positive manner toward the maintenance of discipline.

The Board retains the authority to specify the following dress and grooming guidelines for staff that will prevent such matters from having an adverse impact on the educational process. When assigned to Center duty, all administrators shall:

- A. ☒ be physically clean, neat, and well-groomed;
- B. ☒ dress in a manner consistent with their professional responsibilities;
- C. ☒ dress in a manner that communicates to students pride in personal appearance;
- D. ☒ dress in a manner that does not cause damage to Center property;
- E. ☒ be groomed in such a way that their hairstyle or dress does not disrupt the educational process nor cause a health or safety hazard.

☒ The Board recognizes administrators' right to dress in accordance with their gender identity, within the constraints of the preceding dress and grooming guidelines.

Book	Policy Manual
Section	Vol. 40, No. 2 - January 2022
Title	Vol. 40, No. 2 - January 2022 New BLENDED LEARNING
Code	po2370.01
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2370.01 - **BLENDED LEARNING**

The Governing Board authorizes the operation of a blended learning environment as an educational opportunity for students. Blended learning is defined as the delivery of instruction in a combination of time primarily in a supervised physical location away from home and online delivery where the student has some element of control over time, place, path, or pace of learning and includes non-computer-based learning opportunities. Students participating in blended learning shall have the ability to advance from grade to grade and earn credits by demonstrating proficiency of knowledge or skills through competency-based learning models rather than a minimum number of days or hours in a classroom or on a digital learning device. Blended learning programs must have an annual instructional calendar of not less than 910 hours.

The Superintendent is authorized to develop program guidelines and specific procedures to address the following requirements:

- A. The means of personalization of student-centered learning models to meet the needs of each student.
- B. The evaluation and review of the quality of online curriculum delivered to students.
- C. The assessment of each participating student's progress through the curriculum. Students will advance through each level of the curriculum based on demonstrated competency/mastery of the material.
- D. The assignment of a sufficient number of teachers to ensure a student has an appropriate level of interaction to meet the student's personal learning goals. Each participating student shall be assigned to at least one (1) teacher of record.
- E. The method by which each participating student will have access to the digital learning tools necessary to access the online or digital content.
- F. The means by which each school shall use a filtering device or install filtering software that protects against internet access to materials that are obscene or harmful to juveniles on each computer provided to or made available to students for instructional use. The school shall provide such device or software at no cost to any student who uses a device obtained from a source other than the school.
- G. The means by which the school will ensure that teachers have appropriate training in the pedagogy of the effective delivery of online or digital instruction.

The Superintendent will collect, report, and track program data annually, in accordance with data reporting guidelines, and provide regular reports to the Board.

The Superintendent shall establish the necessary administrative guidelines and procedures to comply with State law which will thereafter be properly communicated to both students and their parents.

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Legal A.C. 3301-35-03
 R.C. 3302.41

Book	Policy Manual
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3216 - **STAFF DRESS AND GROOMING**

The Governing Board believes that professional staff members set an example in dress and grooming for their students to follow. A professional staff member who understands this precept and adheres to it enlarges the importance of his/her task, presents an image of dignity, and encourages respect for authority. These factors act in a positive manner toward the maintenance of discipline.

The Board retains the authority to specify the following dress and grooming guidelines for staff that will prevent such matters from having an adverse impact on the educational process. When assigned to Educational Service Center duty, all professional staff members shall:

- A. **(X)** be physically clean, neat, and well-groomed;
- B. **(X)** dress in a manner consistent with their professional responsibilities;
- C. **(X)** dress in a manner that communicates to students pride in personal appearance;
- D. **(X)** dress in a manner that does not cause damage to Center property;
- E. **(X)** be groomed in such a way that their hairstyle or dress does not disrupt the educational process nor cause a health or safety hazard.

[X] The Board recognizes professional staff members' right to dress in accordance with their gender identity, within the constraints of the preceding dress and grooming guidelines.

Book	Policy Manual
Section	Vol. 40, No. 2 - January 2022
Title	Vol. 40, No. 2 - January 2022 New STAFF DRESS AND GROOMING
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4216 - **STAFF DRESS AND GROOMING**

The Governing Board believes that classified staff members, like professional staff members, set an example in dress and grooming for students to follow. Staff members who understand this precept and adhere to it enlarge the importance of his/her task and present an image of dignity and professionalism.

The Board retains the authority to specify the following dress and grooming guidelines for staff that will prevent such matters from having an adverse impact on the educational process. When assigned to Educational Service Center duty, all classified staff members shall:

- A. ☒ be physically clean, neat, and well-groomed;
- B. ☒ dress in a manner consistent with their assigned responsibilities;
- C. ☒ dress in a manner that communicates to students pride in personal appearance;
- D. ☒ dress in a manner that does not cause damage to Center property;
- E. ☒ be groomed in such a way that their hairstyle or dress does not disrupt the educational process nor cause a health or safety hazard.

☒ The Board recognizes classified staff members' right to dress in accordance with their gender identity, within the constraints of the preceding dress and grooming guidelines.

Book	Policy Manual
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4439—HOLIDAYS

- A. ~~To be eligible for a paid holiday, regular nonteaching employees must have accrued earnings on the next preceding and next following scheduled workdays before and after such holiday or must be properly excused from attendance at work on either or both of those days. Holidays must fall during the time of year in which an employee is scheduled to work. Eligible employees receive their regular salary or hourly rate of pay on a holiday.~~
- B. ~~Eleven (11) and Twelve (12) Month Employees. All regular nonteaching school employees employed on an eleven (11) or twelve (12) month basis, whether salaried or compensated on an hourly or per diem basis, are entitled to a minimum of the following holidays for which they shall be paid their regular salary or their regular rate of pay:~~

1. ~~New Year's Day;~~
2. ~~Martin Luther King Day;~~
3. ~~Memorial Day;~~
4. ~~Independence Day;~~
5. ~~Labor Day;~~
6. ~~Thanksgiving Day, and;~~
7. ~~Christmas Day.~~

~~[DRAFTING NOTE: For employees covered under R.C. 3319.087, Juneteenth is a mandatory holiday for nine (9) or ten (10) month employees, but not for eleven (11) or twelve (12) month employees. Educational Service Centers may elect to add Juneteenth and other holidays as approved by the Governing Board of, excluding those days when teachers are attending an educational meeting.]~~

- C. ~~Nine (9) and Ten (10) Month Employees. All regular nonteaching school employees employed on a nine (9) or ten (10) month basis, whether salaried or compensated on an hourly or per diem basis, are entitled to a minimum of the following holidays for which they shall be paid their regular salary or their regular rate of pay:~~

1. ~~New Year's Day;~~
2. ~~Martin Luther King Day;~~
3. ~~Memorial Day;~~
4. ~~Juneteenth Day;~~
5. ~~Labor Day;~~
6. ~~Thanksgiving Day, and;~~
7. ~~Christmas Day.~~

~~Regular nonteaching school employees employed less than nine (9) months shall be entitled to a minimum of these holidays enumerated in this section which take place during the employees' scheduled time of employment.~~

- ~~D. If New Years Day (January 1st), Independence Day (July 4th), and/or Christmas Day (December 25th) fall on a Sunday, then they shall be observed on the following Monday. If any of these holidays fall on a Saturday, they will be observed the Friday before.~~
- ~~E. When any employee is required by the employee's responsible administrative superior to work on a paid holiday, the employee shall be granted compensatory time off with regular pay. The Governing Board may establish a premium rate of pay for work performed on a paid holiday.~~

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Legal

R.C. 1.14, 124.18, 3319.086, 3319.087

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5511 - DRESS AND GROOMING

The Governing Board recognizes that each student's mode of dress and grooming is a manifestation of personal style and individual preference. The Board will not interfere with the right of students and their parents to make decisions regarding their appearance, except when their choices interfere with the educational program of the Center. ~~The Board authorizes the Superintendent to establish~~ (X) Students have the right to dress in accordance with their gender identity, within the constraints of the dress code promulgated by the school.

The Board authorizes the Superintendent to establish

(X) a reasonable dress code

~~(-) a school uniform after six (6) month's notice to parents~~

in order to promote a safe and healthy school setting and enhance the educational environment. The (X) dress code ~~(-) school uniform~~ shall be incorporated into the Student Code of Conduct or Discipline Code.

Accordingly, the Superintendent shall establish such grooming guidelines as are necessary to promote discipline, maintain order, secure the safety of students, and provide a healthy environment conducive to academic purposes. Such guidelines shall prohibit student dress or grooming practices which:

- A. (X) present a hazard to the health or safety of the student ~~himself/herself~~ or to others in the school;
- B. (X) materially interfere with school work, create disorder, or disrupt the educational program;
- C. (X) cause excessive wear or damage to school property;
- D. (X) prevent the student from achieving the student's ~~his/her own~~ educational objectives because of blocked vision or restricted movement.

The Superintendent shall develop administrative guidelines to implement this policy ~~that~~which:

- A. (X) designate the Principal as the arbiter of student dress and grooming at the building level; ~~in his/her facility~~;
- B. ~~invite the participation of (-) (-) staff (-) parents (-) students in the preparation of a dress code that may specify prescribed dress and grooming practices, but may not amplify the rationale for prohibition established by Board policy;~~
- C. (X) instruct staff members to demonstrate by example and precept ~~wholesome attitudes toward~~ neatness, cleanliness, propriety, modesty, and good sense in attire and appearance;
- D. (X) ensure that all rules implementing this policy impose only minimum and necessary restrictions on the exercise of the student's taste and individuality;
- E. (X) direct staff to enforce the school's dress code in a nondiscriminatory and uniform manner, including without regard to whether a student is transgender or gender nonconforming.

[X] Students who violate the foregoing rules will not be admitted to class and may be suspended from school.

[X] If a student disagrees with a principal's decision concerning enforcement of the dress code (i.e., with respect to the student's compliance with the dress code), the student may appeal the principal's decision to the Superintendent, who will meet with the student within ten (10) school days to discuss the nature of the student's disagreement. The Superintendent will issue a written decision on the matter within five (5) school days of the meeting. [DRAFTING NOTE: The Board may select a different number of days for the filing and deciding of the appeal, so long as it occurs with a reasonable period of time.]

[X] The Superintendent's decision shall be final.

OR

~~[] If the student disagrees with the Superintendent's decision, the student may appeal the Superintendent's decision to the Board, who will issue a final decision on the subject within sixty (60) calendar days. [DRAFTING NOTE: The Board may select a different timeline for issuing a final decision, so long as it occurs within a reasonable period of time.]~~

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Legal

R.C. 3313.20, 3313.60, 3313.661, 3313.665

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5772 - WEAPONS

The Governing Board prohibits students from possessing, storing, making, or using a weapon, including a concealed weapon, in a school safety zone and any setting that is under the control and supervision of the Board for the purpose of school activities approved and authorized by the Board including, but not limited to, property leased, owned, or contracted for by the Board, a school-sponsored event, or in a Board-owned vehicle.

The term "weapon" includes means any object which, in the manner in which it is used, is intended to be used, or is represented, is capable of inflicting serious bodily harm or property damage, as well as endangering the health and safety of persons. Weapons include, but are not limited to, firearms, guns of any type whatsoever, including air and gas-powered guns (whether loaded or unloaded), knives, razors, clubs, electric weapons, metallic knuckles, martial arts weapons, ammunition, incendiary devices, explosives, and other objects defined as dangerous ordinances under State law. ~~and explosives.~~

Policy exceptions include:

- A. ~~(-) items pre-approved by the building principal as part of a class or individual presentation under adult supervision, if used for the purpose and in the manner approved (working firearms and any ammunition will never be approved as a part of a presentation);~~
 - B. ~~(-) theatrical props used in appropriate settings;~~
- ~~[] Students shall report any information concerning weapons and/or threats of violence by students, staff members, or visitors to the _____. Failure to report such information may subject the student to disciplinary action. This policy shall be implemented through the Code of Conduct/Student Discipline Code, Policy 5610, and Policy 5610.01, and through administrative guidelines.~~
- ~~[] The Superintendent is authorized to establish instructional programs on the weapons and the requirement that students immediately report knowledge of weapons and threats of violence by students (-) and/or staff to the building principal. Failure to report such knowledge may subject the student to discipline. The Superintendent will refer any student who violates this policy to the student's parents or guardians and to the criminal justice or juvenile delinquency system. The student may also be subject to disciplinary action, up to and including expulsion. This policy will be published annually in all Educational Service Center student and staff handbooks. Publication is not a precondition to enforcement of this policy.~~

R.C. 2923.11, 2923.12, 2923.122, 3313.20, 3313.66, 3313.661
18 U.S.C. 921, 20 U.S.C. 8922, 20 U.S.C. 7151

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Legal R.C. 2923.11, 2923.12, 2923.122, 3313.20, 3313.66, 3313.661
18 U.S.C. 921, 20 U.S.C. 8922, 20 U.S.C. 7151

Book	Policy Manual
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Title	Vol. 40, No. 2 - January 2022 Revised GRANT FUNDS
Code	po6110
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6110 - **GRANT FUNDS**

It is the objective of the Governing Board to provide equal educational opportunities for all Educational Service Center students. Government agencies, as well as foundations, businesses, and individuals, periodically offer both human and material resources to the Center that benefits students and the educational program. Therefore, it is the intent of the Board to consider grant proposals and applications for their potential to enhance the educational opportunities, the educational environment, and the physical and mental growth for each student.

The Superintendent shall review new Federal education legislation and prepare proposals for programs s/he deems would be of aid to the students of this Center. The Superintendent shall approve each such proposal prior to its submission, and the Board shall approve all grants resulting from such proposals.

The Board regards available Federal funds of aid to local school centers and communities as a public trust. It forbids the use of Federal monies for partisan political activities and for any use that would not be in accordance with Federal regulations and guidelines.

No Federal funds received by the Center shall be used to:

- A. develop or distribute materials, or operate programs or courses of instruction directed at youths, that are designed to promote or encourage sexual activity, whether homosexual or heterosexual;
- B. distribute or aid in the distribution by any organization of legally obscene materials to minors on school grounds;
- C. provide sex education or HIV-prevention education in schools unless that instruction is age appropriate and includes the health benefits of abstinence; or
- D. operate a program of contraceptive distribution in schools.

Grant Proposal Development

- A. All grant proposals must support at least one (1) Center goal or priority.
- B. For projects where grant funds will not cover the entire cost of project implementation, additional fund sources must be identified, documented, and approved during the internal review process.

Grant Proposal Internal Review

- A. Each grant proposal shall be reviewed and approved by the Superintendent prior to submission to the funding source.
- B. ~~(-) The Superintendent shall present the following proposals to the Board for approval:~~
 - 1. ~~(-) government-funded proposals, regardless of the amount;~~
 - 2. ~~(-) proposals with budgets exceeding \$ _____.00; or~~

3. ~~(-) multi-school or Center-wide proposals.~~

Grant Administration

- A. The administration of grants will adhere to all applicable Federal, State, local and grantor rules and regulations, including the terms and conditions of the Federal awards, as well as Center policies and administrative guidelines.
- B. The Superintendent is responsible for the efficient and effective administration of grant awards through the application of sound management practices.
- C. The Superintendent is responsible for administering grant funds in a manner consistent with underlying agreements, applicable statutes, regulations and objectives, and the terms and conditions of the grant award.
- D. The Center, in recognition of its unique combination of staff, facilities, and experience, shall employ internal controls, including the organizational and management strategies necessary to assure proper and efficient administration of grant awards.
- E. All Federal funds received by the Center will be used in accordance with the applicable Federal law and regulations and the terms and conditions of the Federal award. The Superintendent shall require that each draw of Federal monies be aligned with the Center's payment process (whether reimbursement, cash advance or a combination). If funds are permitted to be drawn in advance, all draws will be as close as administratively feasible to the related program expenditures and that, when restricted, such monies are used to supplement programs and funding and not to supplant or replace existing programming or current funding.

Maintenance of Effort (MOE) and Maintenance of Equity (MOEquity) requirements of the Federal program will be met in accordance with the requirements of the specific funded program. The Center shall maintain appropriate documentation and records to substantiate compliance or to justify allowable exceptions, exemptions, or waivers.

- F. (X) The Superintendent is authorized to sign related documents for grant administration, including documents required for submittal of grant proposals.
- G. ~~(-) Written amendments requiring the Superintendent's signature shall be presented to the Board for approval.~~
- H. (X) Employee positions established through the use of grant funding shall terminate if and when the related grant funding ceases.
- I. (X) Program reports including but not limited to audits, site visits and final reports shall be submitted to the Superintendent for review and distribution to the Board and other appropriate parties.

Financial Management

The financial management of grant funds shall be in compliance with all applicable Federal, State, local and grantor rules, regulations, and assurances as well as Center policies and administrative guidelines.

The Center shall provide for the following:

- A. Identification, in Center accounts, of all grant awards received and expended and the programs under which they were received. For Federal programs and awards, identification shall include the Catalog of Federal Domestic Assistance ("CFDA") title and number, Federal award identification number and year, name of the Federal agency and name of the pass-through entity, as applicable.
- B. Accurate, current, and complete disclosure of the financial results of each Federal award or program in accordance with the reporting requirements of the grant.
- C. Records that identify adequately the source and application of funds provided for Federally-funded activities. These records must contain information pertaining to Federal awards, authorizations, obligations, unobligated balances, assets, expenditures, income and interest and be supported by source documentation.
- D. Effective control over, and accountability for, all funds, property, and other assets. The Center must adequately safeguard all assets and assure that they are used solely for authorized purposes.

Further, the Center must:

1. establish and maintain effective internal control over the Federal award that provides reasonable assurance that the Center is managing the Federal award in compliance with Federal statutes, regulations, and the terms and conditions of the Federal award;
2. comply with Federal statutes, regulations and the terms and conditions of the Federal award;
3. evaluate and monitor the Center's compliance with statutes, regulations and the terms and conditions of the Federal award;
4. take prompt action when instances of noncompliance are identified including noncompliance identified in audit findings;
5. take reasonable measures to safeguard protected personally identifiable information and other information the Federal awarding agency or pass-through entity designates as sensitive consistent with applicable Federal, State, local, and tribal laws regarding privacy and obligations of confidentiality.

E. Comparison of expenditures with budget amounts for each Federal award.

F. Recordkeeping and written procedures to the extent required by Federal, State, local and grantor rules and regulations pertaining to the grant award and accountability, including, but not limited to, the following areas:

1. cash management
2. allowability
3. conflict of interest
4. procurement
5. equipment management
6. conducting technical evaluations of proposals and selecting recipients
7. compensation and fringe benefits
8. travel

G. Disclosure of any potential conflict of interest and all mandatory violation disclosures potentially affecting the Federal award/grant to the Federal awarding agency or pass-through agency in accordance with applicable Federal policy.

H. Insurance coverage for real property and equipment, if applicable, equivalent to such property owned by the Center.

Program Income

Program income means gross income earned by a grant recipient that is directly generated by a supported activity or earned as a result of the Federal award during the grant's period of performance.

It includes, but is not limited to, income from fees for services performed, the use or rental of real or personal property acquired under Federal awards, the sale of commodities or items fabricated under a Federal award, license fees and royalties on patents and copyrights, and principal and interest on loans made with Federal award funds. Interest earned on advances of Federal funds is not program income. Except as otherwise provided in Federal statutes, regulations or the terms and conditions of the Federal award, program income does not include rebates, credits, discounts and interest earned on any of them. Additionally, taxes, special assessments, levies, fines and other such revenues raised by a recipient are not program income unless the revenues are specifically identified in the Federal award or Federal awarding agency regulations as program income. Finally, proceeds from the sale of real property, equipment or supplies are not program income.

Unless it has received prior approval to use a different method or the terms and conditions of the grant authorize a different method, the Center uses the deduction method of accounting for program income. Under the deduction method, program income is deducted from total allowable costs to determine the net allowable costs. Program income will only be used for current costs unless the Center is otherwise directed by the Federal awarding agency or pass-through entity.

Legal

34 C.F.R. 75.707, 76.563, 76.565, 76.707

2 C.F.R. 200.56, 200.71, 200.77, 200.80, 200.112, 200.302, 200.307

2 C.F.R. 200.309, 200.310, 200.313, 200.318-.320, 200.343(b)&(e)

Compliance Supplement for Single Audits of State and Local Governments

20 U.S.C. 7906

Book	Policy Manual
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6114 - **COST PRINCIPLES - SPENDING FEDERAL FUNDS**

The Superintendent is responsible for the efficient and effective administration of grant funds through the application of sound management practices. Such funds shall be administered in a manner consistent with all applicable Federal, State, and local laws, the associated agreements/assurances, program objectives, and the specific terms and conditions of the grant award.

Cost Principles

Except where otherwise authorized by statute, costs shall meet the following general criteria in order to be allowable under Federal awards:

- A. Be necessary and reasonable for proper and efficient performance and administration of the Federal award and be allocable thereto under these principles.

To determine whether a cost is reasonable, consideration shall be given to:

1. whether a cost is a type generally recognized as ordinary and necessary for the operation of the Educational Service Center or the proper and efficient performance of the Federal award;
2. the restraints or requirements imposed by such factors as sound business practices, arm's length bargaining, Federal, State, local, tribal, and other laws and regulations;
3. market prices for comparable goods or services for the geographic area;
4. whether the individuals concerned acted with prudence in the circumstances considering their responsibilities; and
5. whether the cost represents any significant deviation from the established practices or Governing Board policy which may unjustifiably increase the expense.

While Federal regulations do not provide specific descriptions of what satisfies the necessary element beyond its inclusion in the reasonableness analysis above, whether a cost is necessary is determined based on the needs of the program. Specifically, the expenditure must be necessary to achieve an important program objective. A key aspect in determining whether a cost is necessary is whether the Center can demonstrate that the cost addresses an existing need, and can prove it.

When determining whether a cost is necessary, consideration may be given to whether:

1. the cost is needed for the proper and efficient performance of the grant program;
2. the cost is identified in the approved budget or application;
3. there is an educational benefit associated with the cost;
4. the cost aligns with identified needs based on results and findings from a needs assessment;
5. the cost addresses program goals and objectives and is based on program data.

A cost is allocable to the Federal award if the goods or services involved are chargeable or assignable to the Federal award in accordance with the relative benefit received. This standard is met if the cost: is incurred specifically for the Federal award; benefits both the Federal award and other work of the Center and can be distributed in proportions that may be approximated using reasonable methods; and is necessary to the overall operation of the Center and is assignable to the Federal award in accordance with cost principles mentioned here.

- B. Conform to any limitations or exclusions set forth in the cost principles in Part 200 or in the terms and conditions of the Federal award, **including prohibitions regarding costs incurred for telecommunications and video surveillance services or equipment.**
- C. Be consistent with policies and procedures that apply uniformly to both Federally-financed and other activities of the Center.
- D. Be accorded consistent treatment. A cost cannot be assigned to a Federal award as a direct cost if any other cost incurred for the same purpose in like circumstances has been allocated to a Federal award as an indirect cost under another award.
- E. Be determined in accordance with generally accepted accounting principles.
- F. Be representative of actual cost, net of all applicable credits, or offsets.

The term applicable credits refers to those receipts or reductions of expenditures that operate to offset or reduce expense items allocable to the Federal award. Typical examples of such transactions are: purchase discounts; rebates or allowances; recoveries or indemnities on losses; and adjustments of overpayments or erroneous charges. To the extent that such credits accruing to or received by the State relate to the Federal award, they shall be credited to the Federal award, either as a cost reduction or a cash refund, as appropriate.

- G. Be not included as a match or cost-share, unless the specific Federal program authorizes Federal costs to be treated as such.
- H. Be adequately documented:
 - 1. in the case of personal services, the Superintendent shall implement a system for Center personnel to account for time and efforts expended on grant-funded programs to assure that only permissible personnel expenses are allocated;
 - 2. in the case of other costs, all receipts and other invoice materials shall be retained, along with any documentation identifying the need and purpose for such expenditure if not otherwise clear.
- I. Be incurred during the approved budget period.

The budget period means the time interval from the start date of a funded portion of an award to the end date of that funded portion during which recipients are authorized to carry out authorized work and expend the funds awarded, including any funds carried forward or other revisions pursuant to the law. Prior written approval from the Federal awarding agency or State pass-through entity may be required to carry forward unobligated balances to subsequent budget periods unless waived.

Selected Items of Cost

The Center shall follow the rules for selected items of cost at 2 C.F.R. Part 200, Subpart E when charging these specific expenditures to a Federal grant. When applicable, Center staff shall check costs against the selected items of cost requirements to ensure the cost is allowable. In addition, State, Center, and program-specific rules, including the terms and conditions of the award, may deem a cost as unallowable and Center personnel shall follow those rules as well.

The following rules of allowability must apply to equipment and other capital expenditures:

- A. Capital expenditures for general purpose equipment, buildings, and land are unallowable as direct charges, except with the prior written approval of the Federal awarding agency or pass-through entity.
- B. Capital expenditures for special purpose equipment are allowable as direct costs, provided that items with a unit cost of \$5,000 or more have the prior written approval of the Federal awarding agency or pass-through entity.
- C. Capital expenditures for improvements to land, buildings, or equipment which materially increase their value or useful life are unallowable as a direct cost except with the prior written approval of the Federal awarding agency or pass-through entity.
- D. **All Federally-funded contracts in excess of \$2,000 related to construction, alteration, repairs, painting, decorating, etc. must comply with Davis-Bacon prevailing wage requirements.**

- E. Allowability of depreciation on buildings, capital improvements, and equipment shall be in accordance with 2 C.F.R. 200.436 and 2 C.F.R. 200.465.
- F. When approved as a direct cost by the Federal awarding agency or pass-through entity under Sections A-C, capital expenditures will be charged in the period in which the expenditure is incurred, or as otherwise determined appropriate and negotiated with the Federal awarding agency.
- G. If the Center is instructed by the Federal awarding agency to otherwise dispose of or transfer the equipment, the costs of such disposal or transfer are allowable.

Cost Compliance

The Superintendent shall require that grant program funds are expended and are accounted for consistent with the requirements of the specific program and as identified in the grant application. Compliance monitoring includes accounting for direct or indirect costs and reporting them as permitted or required by each grant. Costs incurred for the same purpose in like circumstances shall be treated consistently as either direct or indirect costs, but may not be double charged or inconsistently charged as both.

Determining Whether a Cost is Direct or Indirect:

- A. Direct costs are those costs that can be identified specifically with a particular final cost objective, such as a Federal award, or other internally or externally funded activity, or that can be directly assigned to such activities relatively easily with a high degree of accuracy.

These costs may include: salaries and fringe benefits of employees working directly on a grant-funded project; purchased services contracted for performance under the grant; travel of employees working directly on a grant-funded project; materials, supplies, and equipment purchased for use on a specific grant; program evaluation costs or other institutional service operations; and infrastructure costs directly attributable to the program (such as long-distance telephone calls specific to the program, etc.). Direct costs may also include capital expenditures if approved by the Federal awarding agency or pass-through entity, as well as capital expenditures for special purpose equipment with a unit cost of less than \$5,000.

- B. Indirect costs are those that have been incurred for a common or joint purpose benefitting more than one (1) cost objective, and not readily assignable to the cost objectives specifically benefitted, without effort disproportionate to the results achieved. Costs incurred for the same purpose in like circumstances shall be treated consistently as either direct or indirect costs.

These costs may include: general data processing, human resources, utility costs, maintenance, accounting, etc.

Federal education programs with supplement not supplant provisions must use a restricted indirect cost rate. In a restricted rate, indirect costs are limited to general management costs. General management costs do not include divisional administration that is limited to one (1) component of the Center, the governing body of the Center, compensation of the Superintendent, compensation of the chief executive officer of any component of the Center, and operation of the immediate offices of these officers.

The salaries of administrative and clerical staff should normally be treated as indirect costs. Direct charging of these costs may be appropriate only if all of the following conditions are met:

1. Administrative or clerical services are integral to a project or activity.
2. Individuals involved can be specifically identified with the project or activity.
3. Such costs are explicitly included in the budget or have the prior written approval of the Federal awarding agency.
4. The costs are not also recovered as indirect costs.

Where a Federal program has a specific cap on the percentage of administrative costs that may be charged to a grant, that cap shall include all direct administrative charges as well as any recovered indirect charges.

Effort should be given to identify costs as direct costs whenever practical, but allocation of indirect costs may be used where not prohibited and where indirect cost allocation is approved ahead of time by the Ohio Department of Education (ODE) or the pass-through entity (Federal funds subject to 2 C.F.R. Part 200 pertaining to determining indirect cost allocation).

Equipment and other capital expenditures are unallowable as indirect costs.

Timely Obligation of Funds

- F. ~~the administration, accounting, and disposition of food service funds pursuant to Federal and State law and USDA regulations;~~
 - G. ~~the safekeeping and storage of food and food equipment pursuant to State and Federal law and USDA regulations;~~
 - H. ~~the regular maintenance and replacement of equipment;~~
 - I. ~~all Center employees whose salaries are paid for with USDA funds or non-Federal funds used to meet a match or cost-share requirement must comply with the Center's time and effort record-keeping policy (see Policy 6116).~~
- ~~In accordance with the nutritional standards adopted by the Board, the placement of vending machines in any classroom where students are provided instruction unless the classroom is also used to serve meals to students is prohibited.~~
- ~~The Center shall serve only nutritious food in accordance with the nutritional standards adopted by the Board in compliance with the current USDA Dietary Guidelines for Americans and the USDA Smart Snacks in School nutrition guidelines. Foods and beverages in competition with the Center's food service program must comply with the current USDA Dietary Guidelines for Americans and the USDA Smart Snacks in School nutrition guidelines, and may only be sold in accordance with Board Policy 8550.~~
- ~~The Superintendent will require that the food service program serve foods in the schools of the Center that are wholesome and nutritious and reinforce the concepts taught in the classroom.~~
- ~~The Superintendent is responsible for implementing the food service program in accordance with the adopted nutrition standards and shall provide a report regarding the Center's compliance with the standards at one of its regular meetings annually.~~
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R.C. 3313.81, 3313.811-815

A.C. 3301-91

42 U.S.C. 1758

Healthy, Hunger-Free Kids Act of 2010 and Richard B. Russell National School Lunch Act, 42 U.S.C. 1751 et seq.

Child Nutrition Act of 1966, 42 U.S.C. 1771 et seq.

7 C.F.R. Parts 15b, 210, 215, 220, 225, 226, 227, 235, 240, 245, 3015

OMB Circular No. A-87USDA Smart Snacks in School Food Guidelines (effective July 1, 2014)

SP 32-2015 Statements Supporting Accommodations for Children with Disabilities in the Child Nutrition Programs

A. ~~the student's disability and the major life activity affected by the disability;~~

B. ~~an explanation of why the disability affects the student's diet; and~~

C. ~~the food(s) to be omitted from the student's diet and the food or choice of foods that must be substituted (e.g., caloric modifications or use of liquid nutritive formula).-~~

~~[] If determined appropriate by a team of qualified individuals including, but not limited to, the Principal, school nurse, parent, Director of Food Services, and/or () _____ substitutions to the standard meal requirements may be made, at no additional charge, for a student who is not a "person with a disabilitydisabled person," but has a signed statement from a qualified medical authority that the student cannot consume certain food items due to medical or other special dietary needs. To qualify for such consideration and substitutions the medical statement must identify:~~

A. ~~the medical or dietary need that restricts the student's diet; and~~

B. ~~the food(s) to be omitted from the student's diet and the food(s) or choice of foods that may be substituted. For students without disabilitiesnon-disabled students who need a nutritionally equivalent milk substitute, only a signed request by a parent or guardian is required. While the request must specify the medical or other special dietary need that restricts the student's diet (i.e., precludes the student's consumption of cow's milk), medical certification may not be required.~~

~~Meals sold by the school may be purchased by students and staff members and community residents in accordance with administrative guidelines established by the Superintendent. Meals may be made available, free of charge, to senior citizens who are serving as volunteers to the Center.~~

~~The operation and supervision of the food service program shall be the responsibility of the _____. In accordance with Federal law, the _____ shall take such actions as are necessary to obtain a minimum of two (2) food safety inspections per school year, which are conducted by the State or local governmental agency responsible for food safety inspections. The report of the most recent inspection will be posted in a publicly visible location, and a copy of the report will be available upon request. [Please note: Schools participating in more than one (1) child nutrition program are only required to obtain two (2) food safety inspections per school year if the nutrition programs offered use the same facilities for the preparation and service of meals. Also, the requirement for two (2) inspections does not apply to schools that only offer the Special Milk Program.]~~

~~A periodic review of the food service accounts shall be made by the _____. Any surplus funds from the National School Lunch Program or the Healthy, Hunger-Free Kids Act of 2010 (P.L. 111-296) shall be used to reduce the cost of the service to students or to purchase cafeteria equipment. Surplus funds from a la carte foods may accrue to the food service program.~~

~~Bad debt incurred through the inability to collect meal payment from students is not an allowable cost chargeable to any Federal program. Any related collection cost, including legal cost, arising from such bad debt after they have been determined to be uncollectable are also unallowable.~~

~~[] Bad debt is uncollectable/delinquent debt that has been determined to be uncollectable by the end of the school year in which the debt was incurred. If the uncollectable/delinquent debt cannot be recovered by the School Meals Program in the year when the debt was incurred, then this is classified as bad debt. Once classified as bad debt, non-Federal funding sources must reimburse the NSFS for the total amount of the bad debt. The funds may come from the Center general fund, State or local funding, school or community organizations such as the PTA, or any other non-Federal source. Once the uncollectable/delinquent debt charges are converted to bad debt, records relating to those charges must be maintained in accordance with the record retention requirements in 7 C.F.R. 210.9(b) (17) and 7 C.F.R. 210.15(b).~~

~~The Superintendent is authorized to develop and implement an administrative guideline regarding meal charge procedures. This guideline will provide consistent directions for students who are eligible for reduced price or paid meals but do not have funds in their account or in hand to cover the cost of their meal at the time of service and shall also address feeding students with unpaid meal balances without stigmatizing them.~~

~~This guideline shall be provided in writing to all households at the start of each school year and to households transferring to the school or School Center during the school year.~~

~~With regard to the operation of the school food service program, the Superintendent shall require:~~

A. ~~the maintenance of sanitary, neat premises free from fire and health hazards;~~

B. ~~the preparation of food that complies with Federal food safety regulations;~~

C. ~~the planning and execution of menus in compliance with USDA requirements;~~

D. ~~the purchase of food and supplies in accordance with State and Federal law, USDA regulations, and Board policy; (see Policy 1130, Policy 1200, Policy 3113, Policy 3210, Policy 3214, Policy 4113, Policy 4210, Policy 4214, and Policy 6460)(see Policy 1130, Policy 3113, Policy 3214, Policy 4113, Policy 4214, and Policy 6460)~~

E. ~~complying with food holds and recalls in accordance with USDA regulations;~~

Book	Policy Manual
Section	Vol. 40, No. 2 - January 2022
Title	Vol. 40, No. 2 - January 2022 Revised FOOD SERVICES
Code	po8500
Status	1) Reading and Review
Last Revised	January 18, 2022
Last Reviewed	February 16, 2022

8500—FOOD SERVICES

~~The Governing Board shall provide cafeteria facilities in all school facilities where space and facilities permit and will provide food service for the purchase and consumption of meals for all students. The Board shall also provide a breakfast program in accordance with procedures established by the Department of Education. The Board shall annually encumber the funds needed to operate the program.~~

~~The food service program shall comply with Federal and State regulations pertaining to the selection, preparation, consumption, and disposal of food and beverages, including but not limited to the current USDA's school meal pattern requirements and the USDA Smart Snacks in School nutrition standards, as well as to the fiscal management of the program.~~

~~The Board does not discriminate on the basis of race, color, national origin, sex (including sexual orientation or gender identity), disability, age (except as authorized by law), religion, military status, ancestry, or genetic information (collectively, "Protected Classes") in its educational programs or activities. Students and all other members of the Educational Service Center community and third parties are encouraged to promptly report incidents of unlawful discrimination and/or retaliation to a teacher, administrator, supervisor, or other Center official so that the Board may address the conduct. See Policy 2260—Nondiscrimination and Access to Equal Educational Opportunity.~~

~~The Board shall approve and implement nutrition standards governing the types of food and beverages that may be sold on the premises of its schools and shall specify the time and place each type of food or beverage may be sold. In adopting such standards, the Board shall:~~

- ~~A. consider the nutritional value of each food or beverage;~~
- ~~B. consult with a dietitian licensed under R.C. Chapter 4759, a dietetic technician registered by the commission on dietetic registration, or a school nutrition specialist certified or credentialed by the school nutrition association;~~
- ~~C. consult and incorporate to the maximum extent possible the dietary guidelines for Americans jointly developed by the United States Department of Agriculture (USDA) and the United States Department of Health and Human Services; and~~
- ~~D. consult and incorporate the USDA Smart Snacks in School nutrition guidelines.~~

~~No food or beverage may be sold on any school premises except in accordance with the standards approved by the Board.~~

~~In addition, as required by law, a food safety program that is based on the principles of the Hazard Analysis and Critical Control Point (HACCP) system shall be implemented with the intent of preventing food-borne illnesses. For added safety and security, access to the facility and the food stored and prepared therein shall be limited to food service program staff and other authorized persons.~~

~~The Board shall provide a Federal food service program for students during summer intervention programs that are mandated under Federal law. If the Board determines that it is unable to provide a Federal food service program during the summer, for financial reasons, the Board will communicate that decision to its residents in a manner it determines to be appropriate.~~

~~During all times while the food service program is operating and students are being served food, at least one (1) employee shall be present in the area in which the food is being consumed who has received instruction in methods to prevent choking and demonstrated an ability to perform the Heimlich maneuver.~~

Substitutions

~~If determined appropriate by a student's Section 504 team, substitutions to the standard meal requirements shall be made, at no additional charge, for students for whom a health care provider who has prescriptive authority in the State of Ohio has provided medical certification that the student has a disability that restricts his/her diet, in accordance with the criteria set forth in 7 C.F.R. Part 15b. To qualify for such substitutions the medical certification must identify:~~

I. (-) _____

The Board directs the Superintendent to post notices prohibiting the carrying and possession of concealed weapons in a school safety zone, including schools and school buildings, on school premises and school buses, and at school activities. The notices shall contain a statement substantially in the following form:

Unless otherwise authorized by law, pursuant to Ohio Revised Code 2923.122, no person shall knowingly possess, have under the person's control, convey, or attempt to convey a deadly weapon or dangerous ordnance into a school safety zone.

The Superintendent shall conspicuously post such notices at each entrance of a school and/or school building and in areas inside the building where visitors are required to report. Notices shall also be posted at each entrance leading into a school activity (particularly those activities held outside of the school building) and parcel of land. Further, notices shall be posted in each school bus and other Board-owned vehicle, including a school van.

R.C. 109.78, 2923.11, 2923.12, 2923.122, 2923.19, 2923.161, 2923.22, 3313.20
18 U.S.C. 922

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Legal R.C. 109.78, 2923.11, 2923.12, 2923.122, 2923.19, 2923.161, 2923.22, 3313.20
18 U.S.C. 922

Book	Policy Manual
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Title	Vol. 40, No. 2 - January 2022 Revised WEAPONS
Code	po7217
Status	2) Approval and Adoption
Adopted	March 16, 2022
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Last Reviewed	February 16, 2022

7217 - WEAPONS

The Governing Board prohibits visitors from possessing, storing, making, or using a weapon, including a concealed weapon, in a school safety zone and any setting that is under the control and supervision of the Board for the purpose of school activities approved and authorized by the Board including, but not limited to, property leased, owned, or contracted for by the Board, a school-sponsored event, or in a Board-owned vehicle, except as permitted by law.

The term "weapon" ~~includes~~**means** any object which, in the manner in which it is used, is intended to be used, or is represented, is capable of inflicting serious bodily harm or property damage, as well as endangering the health and safety of persons. Weapons include, but are not limited to, firearms, guns of any type, including air and gas-powered guns, (whether loaded or unloaded), knives, razors, clubs, electric weapons, metallic knuckles, martial arts weapons, ammunition, incendiary devices, explosives, and other objects defined as dangerous ordinances under State law.~~and explosives.~~

The Superintendent shall immediately refer a visitor who violates this policy to law enforcement officials and may take any necessary steps to exclude the visitor from Board property and Board-sponsored events, regardless of whether such visitor possesses a valid concealed weapon license.

Exceptions to this policy include:

- A. weapons under the control of State or Federal agents authorized to carry deadly weapons who are acting within the scope of their duties or law enforcement agents;~~law enforcement personnel;~~
- B. weapons carried by security personnel or other designated staff employed by the Board who are qualified under State law to carry a weapon in a school safety zone while on active duty;

~~{DRAFTING NOTE: Educational Service Centers should consult with legal counsel to confirm eligibility requirements under current law before designating an employee to carry a concealed weapon onto school property.}~~

- C. handguns in the possession of a person who has a valid concealed handgun license or who is an active duty member of the armed forces with a valid military identification card and documentation of successful completion of firearms training if the handgun remains in a vehicle with the individual or is left in a locked vehicle when the person exits the vehicle;
- D. ~~(-) weapons carried by an on-duty security officer employed by the Board;~~
- E. (X) objects indistinguishable from a firearm used during school safety trainings;
- F. (X) items indistinguishable from a firearm approved by a principal as part of a class or individual presentation under adult supervision, if used for the purpose of and in the manner approved (working firearms and ammunition shall never be approved);
- G. (X) theatrical props used in appropriate settings;
- H. (X) starter pistols used in appropriate sporting events.

☒ The officer or employee is liable in person and upon any official bond to reimburse the Center the amount for which the officer or employee does not provide itemized receipts in accordance with the credit card policy described herein.

☒ After use, Center credit cards are to be returned to ☒ verification that family members or other individuals having no school-related purpose for their attendance paid their own expenses

Failure to return Center credit cards and/or receipts within the above-referenced time period may result in the suspension of credit card privileges and/or charges being deemed unrelated or unsubstantiated.

☒ Employees shall be responsible for any and all unrelated or unsubstantiated purchases and shall be required to make full reimbursement to the Center within thirty (30) business days.

☒ If an employee reimburses the Center for an unsupported purchase, it shall be documented in the monthly credit card reconciliation.

The **Treasurer** will keep a record/activity log of all credit card uses and review and approve all purchases to verify that the expenses are incurred in connection with Board-approved or school-related activities, are for the benefit of the Center, and serve a valid and proper public purpose prior to disbursing public funds for payment of such expenses.

~~☐ Any and all reviews and approvals must be evidenced by the _____'s initials and/or signature.~~
~~☐ In addition to evidencing review and approval of the purchase, the _____ should immediately send all questionable items to the employee purchasing the item for explanation. These explanations shall be approved by the employee's immediate supervisor and the _____ prior to the payment of such expenses. If an employee reimburses the Center for a questionable purchase, it shall be documented in the monthly credit card reconciliation.~~
~~☐ Upon review and approval, all appropriate documentation shall be forwarded to the _____.~~
~~☐ Upon receipt of the appropriate documentation, credit card expenditures will be paid through the Treasurer's office.~~
~~☐ The _____ will monitor the credit card account(s) and reconcile all credit accounts on a monthly basis.~~

The Treasurer/CFO shall file a report with the Board annually, detailing all rewards received based on the use of Center's credit card account.

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R.C. 2921.01, 2913.21, 3313.311

~~superintendent to serve as the credit card compliance officer AND the superintendent has authority to use the credit card.~~

~~{DRAFTING NOTE: If the Board's Treasurer/CFO does not retain general possession and control of a credit card account or presentation instruments related to an account, the Board must appoint a compliance officer. The Center's Treasurer/CFO is not eligible for appointment as the compliance officer. The appointed compliance officer may not use a credit card unless she/he is the Superintendent.}~~

~~{END OF OPTIONS}~~

The ☒ Superintendent ☒ Treasurer/CFO shall develop administrative guidelines that specify those employees authorized to use credit cards, the types of expenses which can be paid by credit card, and their proper supervision and use. Inappropriate or illegal use of the credit card and/or failure to strictly comply with the limitations and requirements set forth in the administrative guidelines may result in a loss of credit card privileges, disciplinary action, up to and including termination, personal responsibility for any and all inappropriate charges, including finance charges and interest assessed in connection with the purchase, and/or possible referral to law enforcement authorities for prosecution. Violations will also be reported to the applicable licensure board(s).

The Board authorizes the following employees to use Center credit cards:

[insert the title of the position for each individual]

- A. Superintendent
- B. Treasurer
- C. Directors
- D. Administrative Assistants

Each request for use of a Center credit card shall contain:

- A. ☒ date needed,
- B. ☒ date to be returned,
- C. ☒ purpose,
- D. ☒ authorization,
- E. ☒ properly executed purchase order.

Upon receipt of a Center credit card, employees shall:

- A. ☒ inform merchants that the purchase is for "official School Center business" and is not subject to State or local sales tax;
However, if the merchant fails to waive the tax, the employee shall pay it. For large purchases where the merchant refuses to waive the tax, the employee shall present a tax exemption form.
- B. ☒ maintain credit cards in a secure fashion and prevent unauthorized charges to the account;
- C. ☒ use reasonable care when making purchases online, refrain from providing the credit card number to unknown online merchants, and do not auto-save credit card number for any online account;
- D. ☒ maintain sufficient documentation of all purchases, including, but not limited to, charge receipts, original cash register slip or other detailed receipt, and invoices;
- E. ☒ provide documentation of all purchases to the fiscal office in a timely manner to ensure prompt payment;
- F. ~~() immediately notify his/her immediate supervisor and the _____ if the card is lost or stolen, or if s/he becomes aware of a data breach which may involve the card;~~
- G. ☒ refrain from allowing anyone else to use the credit card or account number;
- H. ☒ refrain from splitting the costs of an invoice or purchase in order to circumvent the credit card process and established, pre-approved single purchase limits, monthly spending limits, and/or funds availability.

☒ Subject to the discretion of the Board and the approval of the Treasurer, credit cards may be used for eligible goods and services including:

- A. ☒ transportation reservations and expenses;
- B. ☒ conference registrations;
- C. ~~(-) hotel reservation guarantees and expenses;~~
- D. ☒ reasonable meal expenses ~~(both in town and out of town), including a maximum gratuity of _____ percent (____%), but excluding alcoholic beverages;~~
- E. ☒ purchases from vendors who do not accept purchase orders or vouchers, with prior approval from the Treasurer;
- F. ~~(-) safety and security reasons in connection with a student field trip, competition, and/or other activity or event, if monies are budgeted and deposited with the Treasurer in advance;~~
- G. ~~(-) _____;~~
- H. ☒ other purchases approved by the Treasurer on a case-by-case basis.

Officers and employees are liable in person and upon official bond for any unauthorized use of credit cards and any officer or employee who suspects the loss, theft, or possibility of unauthorized use of a credit card must notify the Treasurer immediately, who shall notify the Board.

The Board prohibits the use of debit card accounts except for the receipt of grant monies. Any officer or employee of the Center who uses a debit card account for any other purpose is guilty of the criminal offense of misuse of credit cards.

{END OF OPTIONS}

~~{CHOOSE OPTION #1 OR OPTION #2}~~

☒ ~~{OPTION #1 RECOMMENDED}~~

Use of the Center credit card for any cash withdrawal transaction is strictly prohibited.

{OR}

~~{ } {OPTION # 2}~~

~~Use of the Center credit card for a cash withdrawal transaction may only be permitted with the prior approval of the Superintendent and only under the following circumstances:~~

- A. _____
- B. _____
- C. _____

~~Such approved cash withdrawal transactions shall be limited to no more than \$ _____ per transaction.~~

{END OF OPTIONS}

~~{CHOOSE OPTION #1 OR OPTION #2}~~

☒ **{OPTION #1}**

The Treasurer/CFO shall retain general possession and control of the credit card account or presentation instruments related to an account, such as credit cards and checks.

{OR}

~~{ } {OPTION #2}~~

~~The _____ [someone other than the chief financial officer] shall retain general possession and control of the credit card account or presentation instruments related to an account, such as credit cards and checks. Accordingly, the Board shall appoint the _____ to serve as the credit card compliance officer. The compliance officer shall review officers' and employees' use of credit card accounts under the policy at least once every six (6) months. The review shall identify the number of cards issued, the number of active cards issued, the cards' expiration dates, and the cards' credit limits. The compliance officer may not authorize an employee to use a credit card account. { } The Treasurer/CFO shall review the credit card account transaction detail monthly and shall sign a written attestation confirming the review. [DRAFTING NOTE: this option should only be selected if the Board appoints the~~

Book	Policy Manual
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6423 - USE OF CREDIT CARDS

The Governing Board recognizes the value of an efficient method of payment and recordkeeping for certain expenses.

The Board, therefore, authorizes the use of Educational Service Center credit cards. The name of the Center shall appear on each Center credit card and check related to a credit card account held by the Center. A "credit card account" shall include any bank-issued credit card account, store-issued credit card account, financial institution-issued credit card account, financial depository-issued credit card account, affinity credit card account, or any other card account allowing the holder to purchase goods or services on credit or otherwise transact with the account, and any debit or gift card account related to the receipt of grant monies. The term expressly excludes any procurement card account, gasoline or telephone credit card account, or any other card account where merchant category codes are in place as a system of control for use of the account.

The authorization, handling and use of credit cards has been established to provide a convenient and efficient means to purchase goods and services from vendors. Credit cards, however, shall not be used in order to circumvent the general purchasing procedures established by State law and Board policy. The Board affirms that credit cards shall only be used in connection with Board-approved or school-related activities and that only those types of expenses that are for the benefit of the Center and serve a valid and proper public purpose shall be paid for by credit card. However, under no circumstances shall credit cards be used for personal purchases or the purchase of alcoholic beverages regardless of whether the purchase of such beverages is made in connection with a meal. Use of credit cards in an unauthorized or illegal manner may result in revocation of credit card privileges, disciplinary action and/or, where appropriate, may require the user to pay any and all inappropriate charges, including finance charges and interest assessed in connection with the purchase. Additionally, any officer or employee of the Center who knowingly misuses a credit card account is guilty of the criminal offense of misuse of credit cards. Violations will be reported to the appropriate law enforcement authorities and any applicable licensure board(s).

The Treasurer shall be responsible for the initial issuance, reissuance, and cancellation of Center credit cards and shall maintain written procedures and all appropriate records and reports regarding the Center's credit card account(s). Records and reports will be maintained and made available for review in accordance with this policy and State law.

All officers and employees are required to immediately report lost or stolen credit cards or notice of a possible data breach involving a Center credit card to their immediate supervisor and the Treasurer. The Treasurer will notify the entity that issued the credit card and request cancellation of the lost or stolen card as soon as practicable.

~~{SELECT OPTION #1 OR OPTION #2}~~

☒ {OPTION #1}

The maximum limit for any credit card account shall be \$10,000.

~~{ } The sum of all credit card accounts shall not exceed \$_____.~~

~~{OR}~~

~~{ } {OPTION #2}~~

~~The maximum limit for any credit card account or any credit card utilized by the Center will be established annually at the Board's Organizational Meeting, following a recommendation by the _____.~~
{END OF OPTIONS}

A bidder who wishes to file a bid protest shall file such notice and follow procedures prescribed by the Request For Proposals (RFPs) or the individual bid specifications package, for resolution. Bid protests shall be filed in writing with the Superintendent within seventy-two (72) hours of the opening of the bids in protest.

Within five (5) days of receipt of a protest, the Superintendent shall review the protest as submitted and render a decision regarding the merits of the protest and any impact on the acceptance and rejection of bids submitted. Notice of the filing of a bid protest shall be communicated to the Board and shall be so noted in any subsequent recommendation for the acceptance of bids and awarding of contracts.

Failure to file a notice of intent to protest, or failure to file a formal written protest within the time prescribed, shall constitute a waiver of proceedings.

Maintenance of Procurement Records

The Center shall maintain records sufficient to detail the history of all procurements. These records will include but are not necessarily limited to the following: rationale for the method of procurement, selection of contract type, contractor selection or rejection, and the basis for the contract price (including a cost or price analysis).

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Legal	2 C.F.R. 200.317 - .326, Appendix II to Part 200
	2 C.F.R. 200.520
	R.C. 3313.843 - 3313.846

made until the application is approved. Notice of approval will be maintained by the Treasurer/CFO.

Domestic Preference for Procurement

As appropriate and to the extent consistent with law, the Center shall, to the extent practicable under a Federal award, provide a preference for the purchase, acquisition, or use of goods, products, or materials produced in the United States. Such requirements shall be included in all subawards including all contracts and purchase orders for work or products under the Federal award.

Contract/Price Analysis

The Center shall perform a cost or price analysis in connection with every procurement action in excess of \$250,000, including contract modifications. A cost analysis generally means evaluating the separate cost elements that make up the total price, while a price analysis means evaluating the total price, without looking at the individual cost elements.

The method and degree of analysis is dependent on the facts surrounding the particular procurement situation; however, the Center shall come to an independent estimate prior to receiving bids or proposals.

When performing a cost analysis, the Center shall negotiate profit as a separate element of the price. To establish a fair and reasonable profit, consideration is given to the complexity of the work to be performed, the risk borne by the contractor, the contractor's investment, the amount of subcontracting, the quality of its record of past performance, and industry profit rates in the surrounding geographical area for similar work.

Time and Materials Contracts

The Center uses a time and materials type contract only 1) after a determination that no other contract is suitable, and 2) if the contract includes a ceiling price that the contractor exceeds at its own risk. Time and materials type contract means a contract whose cost to the Center is the sum of the actual costs of materials, and direct labor hours charged at fixed hourly rates that reflect wages, general and administrative expenses, and profit.

Since this formula generates an open-ended contract price, a time-and-materials contract provides no positive profit incentive to the contractor for cost control or labor efficiency. Therefore, the Center sets a ceiling price for each contract that the contractor exceeds at its own risk. Further, the Center shall assert a high degree of oversight in order to obtain reasonable assurance that the contractor is using efficient methods and effective cost controls.

Suspension and Debarment

The Center will award contracts only to responsible contractors possessing the ability to perform successfully under the terms and conditions of the proposed procurement. All purchasing decisions shall be made in the best interests of the Center and shall seek to obtain the maximum value for each dollar expended. When making a purchasing decision, the Center shall consider such factors as 1) contractor integrity; 2) compliance with public policy; 3) record of past performance; and 4) financial and technical resources.

The Superintendent shall have the authority to suspend or debar a person/corporation, for cause, from consideration or award of further contracts. The Center is subject to and shall abide by the nonprocurement debarment and suspension regulations implementing Executive Orders 12549 and 12689, 2 C.F.R. Part 180.

Suspension is an action taken by the Center that immediately prohibits a person from participating in covered transactions and transactions covered under the Federal Acquisition Regulation (48 C.F.R. Chapter 1) for a temporary period, pending completion of an agency investigation and any judicial or administrative proceedings that may ensue. A person so excluded is suspended. (2 C.F.R. Part 180 Subpart G)

Debarment is an action taken by the Superintendent to exclude a person from participating in covered transactions and transactions covered under the Federal Acquisition Regulation (48 C.F.R. Chapter 1). A person so excluded is debarred. (2 C.F.R. Part 180 Subpart H)

The Center shall not subcontract with or award subgrants to any person or company who is debarred or suspended. For contracts over \$25,000, the Center shall confirm that the vendor is not debarred or suspended by either checking the Federal government's System for Award Management, which maintains a list of such debarred or suspended vendors at www.sam.gov; collecting a certification from the vendor; or adding a clause or condition to the covered transaction with that vendor. (2 C.F.R. Part 180 Subpart C)

Bid Protest

The Center maintains the following protest procedures to handle and resolve disputes relating to procurements and, in all instances, discloses information regarding the protest to the awarding agency.

2. Proposals

Procurement by proposals is a method in which either a fixed price or cost-reimbursement type contract is awarded. Proposals are generally used when conditions are not appropriate for the use of sealed bids or in the case of a recognized exception to the sealed bid method. ~~{Drafting Note: Federal law does not require a competitive proposal unless the procurement is for over \$250,000. The State/Center may set a lower threshold for sealed bids and competitive proposals. Ohio law requires sealed bids when the Board seeks to build, repair, enlarge, improve, or demolish a school building/facility if the cost will exceed \$50,000 (see Policy 6320).}~~

If this method is used, the following requirements apply:

- a. Requests for proposals shall be publicized and identify all evaluation factors and their relative importance. Any response to the publicized requests for proposals shall be considered to the maximum extent practical.
- b. Proposals shall be solicited from **(X) two (2)** ~~an adequate number of~~ sources.
- c. The Center shall use its written method for conducting technical evaluations of the proposals received and for selecting recipients.
- d. Contracts shall be awarded to the responsible firm whose proposal is most advantageous to the program, with price and other factors considered.

The Center may use competitive proposal procedures for qualifications-based procurement of architectural/engineering (A/E) professional services whereby competitors' qualifications are evaluated and the most qualified competitor is selected, subject to negotiation of fair and reasonable compensation. The method, where price is not used as a selection factor, can only be used in procurement of A/E professional services. It cannot be used to purchase other types of services though A/E firms are a potential source to perform the proposed effort.

3. Noncompetitive Procurement

Procurement by noncompetitive proposals allows for solicitation of a proposal from only one (1) source and may be used only when one (1) or more of the following circumstances apply:

- a. micro-purchases
- b. the item is available only from a single source
- c. the public exigency or emergency for the requirement will not permit a delay resulting from publicizing a competitive solicitation
- d. the Federal awarding agency or pass-through entity expressly authorizes noncompetitive proposals in response to a written request from the Center
- e. after solicitation of a number of sources, competition is determined to be inadequate

4. **(X) Noncompetitive Purchases Through Educational Service Centers (ESCs)**

Under State law, the Board may enter into a contract with an educational service center (ESC) that authorizes the ESC to make purchases for supplies, materials, equipment, and services or the delivery of services on the Center's behalf. These contracts promote operational efficiency and cost savings, and further enhance the educational experience for our students. Purchases made through such contracts are exempt from competitive bidding. ~~{DRAFTING NOTE: this provision applies to 3313.843, 3313.844, and 3313.845 contracts. A Center with student enrollment of less than 16k must enter into a contract with an ESC in accordance with 3313.843.}~~

The Center may apply for approval from ODE to use a noncompetitive purchasing method to procure personnel-based services from an ESC only when the following criteria are met:

- a. the ESC posts a list of all services it provides including costs of these services on its website;
- b. the ESC has been designated as "high performing" by the Ohio Department of Education, and
- c. ODE as the passthrough state entity has determined that the ESC was substantially in compliance with all audit rules and guidelines during the most recent audit conducted by the Auditor of State

The Treasurer/CFO will submit an application and any required documentation to ODE on the designated form requesting approval for use of a noncompetitive purchasing method for personnel services. Purchases will not be

[X] Unless otherwise defined by State or local law, Centers are responsible for determining and documenting an appropriate micro-purchase threshold based on internal controls, an evaluation of the risk, and its documented procurement procedures. The micro-purchase threshold used by the Center shall be authorized or not prohibited under State, local, or tribal laws or regulations. A Center which is qualified as a low-risk auditee for the most recent audit (C.F.R. 200.520) may increase the micro-purchase threshold up to \$50,000. An eligible Center may self-certify the increased micro-purchase threshold on an annual basis after completing the annual internal institutional risk assessment to identify, mitigate, and manage financial risks. The self-certification, in accordance with C.F.R. 200.334, must include a justification, clear identification of the threshold, and supporting documentation of the qualifications listed above. ~~[DRAFTING NOTE: The Federal regulation allows for a \$50,000 threshold. While this authority is allowed for an entity qualified as a low-risk auditee, Neola does not suggest its use due to the complexity and subjectivity of the mechanism.]~~

2. Small Purchases

Small purchases include the acquisition of property or services, the aggregate dollar amount of which is higher than the micro-purchase threshold but does not exceed the simplified acquisition threshold of ~~\$50,000~~ ~~[not to exceed \$250,000]~~. Small purchase procedures require that price or rate quotations shall be obtained from ~~(X) two (2)~~ ~~an adequate number of~~ ~~[END OF OPTION]~~ qualified sources. ~~[Drafting Note: Unless the pass-through entity or State law defines the number of quotes required, the Center may define in policy how many quotations are adequate. The number must be greater than one (1).]~~

Centers are responsible for determining an appropriate simplified acquisition threshold based on internal controls, an evaluation of risk, and its documented procurement procedures which must not exceed the threshold established in the Federal Acquisition Regulations (FAR). When applicable, a lower simplified acquisition threshold used by the non-Federal entity must be authorized or not prohibited under State, local, or tribal laws or regulations.

B. Formal Procurement Methods

When the value of the procurement for property or services under a Federal award exceeds the simplified acquisition threshold or a lower threshold established by the State, formal procurement methods are required. Formal procurement methods require following documented procedures. Formal procurement methods also require public advertising unless a non-competitive procurement method can be used in accordance with the standards on competition in 200.319 or non-competitive procurement. The formal methods of procurement are:

1. Sealed Bids

Sealed, competitive bids shall be obtained when the purchase of, and contract for, single items of supplies, materials, or equipment which amounts to more than ~~\$50,000~~ ~~[the lesser of the established Small Purchase threshold or \$250,000]~~ and when the Board determines to build, repair, enlarge, improve, or demolish a school building/facility the cost of which will exceed \$50,000.

In order for sealed bidding to be feasible, the following conditions shall be present:

- a. a complete, adequate, and realistic specification or purchase description is available;
- b. two (2) or more responsible bidders are willing and able to compete effectively for the business; and
- c. the procurement lends itself to a firm fixed-price contract and the selection of the successful bidder can be made principally on the basis of price.

When sealed bids are used, the following requirements apply:

- a. Bids shall be solicited in accordance with the provisions of State law and Policy 6320. Bids shall be solicited from ~~(X) two (2)~~ ~~an adequate number of~~ qualified suppliers, providing sufficient response time prior to the date set for the opening of bids. The invitation to bid shall be publicly advertised. The invitation for bids will include product/contract specifications and pertinent attachments and shall define the items and/or services required in order for the bidder to properly respond.
- b. All bids will be opened at the time and place prescribed in the invitation for bids; bids will be opened publicly.
- c. A firm fixed-price contract award will be made in writing to the lowest responsible bidder. Where specified in bidding documents, factors such as discounts, transportation cost, and life cycle costs shall be considered in determining which bid is lowest. Payment discounts may only be used to determine the low bid when prior experience indicates that such discounts are usually taken.
- d. The Board reserves the right to reject any or all bids for sound documented reason.

D. noncompetitive contracts to consultants that are on retainer contracts

E. organizational conflicts of interest

F. specification of only a "brand name" product instead of allowing for an "or equal" product to be offered and describing the performance or other relevant requirements of the procurement

G. any arbitrary action in the procurement process

Further, the Center does not use statutorily or administratively imposed State, local, or tribal geographical preferences in the evaluation of bids or proposals, unless 1) an applicable Federal statute expressly mandates or encourages a geographic preference; or 2) the Center is contracting for architectural and engineering services, in which case geographic location may be a selection criterion provided its application leaves an appropriate number of qualified firms, given the nature and size of the project, to compete for the contract.

To the extent that the Center uses a pre-qualified list of persons, firms, or products to acquire goods and services that are subject to this policy, the pre-qualified list includes enough qualified sources as to ensure maximum open and free competition. The Center allows vendors to apply for consideration to be placed on the list continuously. ~~{insert frequency. See Drafting Note}~~

~~{Drafting Note: The Center shall allow vendors not on the pre-qualified list to apply for placement on the list periodically. The Center may determine how frequently the pre-qualified list becomes open for new vendors or whether it is open continuously.}~~

The Center shall require that all prequalified lists of persons, firms, or products which are used in acquiring goods and services are current and include enough qualified sources to provide maximum open and free competition. The Center shall not preclude potential bidders from qualifying during the solicitation period.

Solicitation Language (Purchasing Procedures)

The Center shall have written procurement procedures that require that all solicitations made pursuant to this policy incorporate a clear and accurate description of the technical requirements for the material, product, or service to be procured. Such description shall not, in competitive procurements, contain features which unduly restrict competition. The description may include a statement of the qualitative nature of the material, product or service to be procured and, when necessary, shall set forth those minimum essential characteristics and standards to which it shall conform if it is to satisfy its intended use. Detailed product specifications should be avoided if at all possible.

When it is impractical or uneconomical to make a clear and accurate description of the technical requirements, a "brand name or equivalent" description may be used as a means to define the performance or other salient requirements of procurement. The specific features of the named brand which shall be met by offers shall be clearly stated; and identify all requirements which the offerors shall fulfill and all other factors to be used in evaluating bids or proposals.

The Board will not approve any expenditure for an unauthorized purchase or contract.

Procurement Methods

The Center shall have and use documented procedures, consistent with the standards described above, for the following methods of procurement:

A. Informal Procurement Methods

When the value of the procurement for property or services under a Federal award does not exceed the simplified acquisition threshold or a lower threshold established by the State, formal procurement methods are not required. The Center may use informal procurement methods to expedite the completion of its transactions and minimize the associated administrative burden and cost. The informal methods used for procurement of property or services at or below the simplified acquisition threshold include:

1. Micro-purchases

Procurement by micro-purchase is the acquisition of supplies or services, the aggregate dollar amount of which does not exceed \$10,000 ~~{not to exceed \$10,000}~~. To the maximum extent practicable, the Center should distribute micro-purchases equitably among qualified suppliers. Micro-purchases may be made without soliciting competitive quotations if the Superintendent considers the price to be reasonable based on research, experience, purchase history or other relevant information, and documents are filed accordingly. The Center shall maintain evidence of this reasonableness in the records of all purchases made by this method.

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6325 - PROCUREMENT - FEDERAL GRANTS/FUNDS

Procurement of all supplies, materials, equipment and services paid for from Federal funds or Educational Service Center matching funds shall be made in accordance with all applicable Federal, State, and local statutes and/or regulations, the terms and conditions of the Federal grant, Governing Board policies, and administrative procedures.

The Superintendent shall have and use a procurement and contract administration system in accordance with the USDOE requirements (2 C.F.R. 200.317-.326), including affirmative steps for small and minority businesses and women's business enterprises, for the administration and management of Federal grants and Federally-funded programs. The Center shall maintain oversight that requires contractors to perform in accordance with the terms, conditions, and specifications of their contracts or purchase orders. Except as otherwise noted, procurement transactions shall conform to the provisions of the Center's documented general purchasing Policy 6320 and AG 6320A.

All Federally-funded contracts in excess of \$2,000 related to construction, alteration, repairs, painting, decorating, etc. must comply with Davis-Bacon prevailing wage requirements.

All Center employees, officers, and agents who have purchasing authority shall abide by the standards of conduct covering conflicts of interest and governing the actions of its employees, officers, and agents engaged in the selection, award, and administration of contracts as established in Policy 1130, Policy 3113 and Policy 4113 - Conflict of Interest.

The Center will avoid acquisition of unnecessary or duplicative items. Additionally, consideration shall be given to consolidating or breaking out procurements to obtain a more economical purchase and, where appropriate, an analysis shall be made of lease versus purchase alternatives, and any other appropriate analysis to determine the most economical approach. These considerations are given as part of the process to determine the allowability of each purchase made with Federal funds.

To foster greater economy and efficiency, the Center may enter into State and local intergovernmental agreements where appropriate for procurement or use of common or shared goods and services.

Competition

All procurement transactions for the acquisition of property or services required under a Federal award paid for from Federal funds or Center matching funds shall be conducted in a manner that encourages full and open competition and that is in accordance with good administrative practice and sound business judgment. In order to promote objective contractor performance and eliminate unfair competitive advantage, the Center shall exclude any contractor that has developed or drafted specifications, requirements, statements of work, or invitations for bids or requests for proposals from competition for such procurements.

Some of the situations considered to be restrictive of competition include, but are not limited to, the following:

- A. unreasonable requirements on firms in order for them to qualify to do business
- B. unnecessary experience and excessive bonding requirements
- C. noncompetitive pricing practices between firms or between affiliated companies

