

## **CHAPTER 2 - GETTING STARTED**

The purpose of this chapter is to define and describe your role, including conduct and ethics during and after the procurement process.

It is extremely important to note that the District will not process invoices that do not have a valid contract or Purchase Order executed by authorized District personnel. Therefore, all vendors are required to have a valid contract or Purchase Order prior to providing services or delivering goods to a school or office within the District. If the vendor provides services or delivers goods in advance of a valid executed contract or Purchase Order, the vendor does so at its own risk and invoices received will not be processed for payment. Therefore, you must ensure that prior to receipt of services or goods delivered by a vendor, that the appropriate procedures are followed to ensure payment to the vendor.

In addition, purchases shall be made as provided by applicable California Law, Federal Law, Board policies and the policies and procedures within this manual. Any purchase or contracts entered into in violation of the policies and procedures contained herein are void and not binding on the District. You may be subject to personal liability if you willfully or intentionally violate the policies and procedures set forth in this Procurement Manual including liability for the costs of services or goods incurred by the District.

### **PSD Central Customer Service Team**

PSD has a Central Customer Service Team that is available to assist you with PSD policies, and procedures. Please contact them at (562) 654-9009 or fax at (562) 654-9019.

## **A. YOUR ROLE**

### **A.1. Conduct**

You have a fiduciary responsibility to protect the interest of the District, to place the District's interest above your own, and most importantly, to safeguard the District's resources.

### **A.2. Ethics**

Ethics is an overarching theme for schools, offices, District staff, vendors, and consultants from the time preceding the initiation of the procurement process through the fulfillment of a contract. Procurements utilizing District funds are either direct or indirect spending of public funds and subject to public scrutiny. Therefore, before, during, and after the procurement process, we must all be responsible, honest, prudent, and avoid participating in any decision-making where there could be a conflict of interest or the appearance of a conflict.

All District contractors are subject to the District's Contractor Code of Conduct, which is the governing board policy on responsible behavior for those conducting business with the District. All District representatives who work with District contractors must familiarize themselves with these standards. If you should have any questions regarding the District's ethics standards or necessary safeguards, please contact the Ethics Office at (213) 241-3330 or visit the website at <http://ethics.lausd.net>.

### **A.3. Splitting to Avoid Competition (DD-10)**

It is unlawful to split or separate into smaller work orders/projects any work, project, service, or purchase for the purpose of evading the competitive process (Public Contract Code §20116). No person shall willfully split a single transaction into a series of transactions for the purpose of evading the requirements (Public Contract Code §20116). Moreover, it is against Board policy to split professional service contracts to avoid the competitive negotiation requirement. Internal control verification will be conducted routinely to monitor and provide oversight to prevent splitting. Violations may result in disciplinary action and/or restricted procurement ability.

Bid-splitting is never acceptable as it is a violation of the District Policy and may result in disciplinary action and/or restricted procurement ability. Whether you are purchasing 50 items or 1 item, if the total of that purchase is greater than the dollar threshold and the purchase is split into multiple transactions in order to complete the transaction, it is still considered bid-splitting.

P-Cards shall not be used as a matter of convenience to replace what should be ordered on a Purchase Order. Further, a Purchase Order shall not be used in place of a competitively bid contract. If you are already anticipating that you will exceed the dollar threshold for a particular procurement, you must evaluate which procurement tool is appropriate and choose that tool rather than risk bid-splitting. For questions, please contact (562) 654-9009 or visit the website at <http://achieve.lausd.net/procurement>.

### **DD-10 Bid Splitting**

**DO recognize that according to the California Public Contract Code, “It shall be unlawful to split or separate into smaller work orders or projects any work, project, service, or purchase for the purpose of evading the provisions of this article requiring contracting after competitive bidding.”**

**DON’T issue multiple contract requests (or low-value Purchase Orders) for smaller sections of your total requirement to avoid going thru the competitive process, or to avoid obtaining the required District or Board approvals.**

### **A.4. Anti-Kickbacks (DD-11)**

It is District policy that all employees act with integrity and good judgment and recognize that accepting personal gifts from vendors may cause favoritism. No employee of the District shall solicit or accept any personal favor, gift, gratuity or offer of entertainment directly or indirectly from a vendor who is doing or seeking to do business with the District.

### **DD-11 Rebates, Premiums, Incentives, and Kickbacks**

**DO contact Procurement for advice if a vendor offers or suggests that you or your school accept something of value that is not part of the official offer.**

**DON’T accept any “kickback” from a vendor (personal favor, gift, gratuity or offer of entertainment). Don’t accept premiums, rebates or incentives for your school or office, unless they are clearly defined in the offer.**

## **A.5. Incentives and Rebates (DD-11)**

It is District policy to not use incentives and rebates **for personal benefit**. In addition, it is District policy to negotiate either quantity or trade discounts in lieu of accepting incentives or entering into rebate agreements with suppliers for all methods of purchase. District employees are not to accept either incentives or offers for rebates from a supplier without the explicit advance approval of PSD. If a vendor proposes incentives or rebate agreements, refer the vendor to PSD who will review the conditions of the offer to determine if:

- it is reasonable;
- more favorable prices are available from other vendors; and either the rebate or incentive value can be applied toward the purchase price.

### **DD-11 Rebates, Premiums, Incentives, and Kickbacks**

**DO contact Procurement for advice if a vendor offers or suggests that you or your school accept something of value that is not part of the official offer.**

**DON'T accept any "kickback" from a vendor (personal favor, gift, gratuity or offer of entertainment). Don't accept premiums, rebates or incentives for your school or office, unless they are clearly defined in the offer.**

#### **A.5.a. Incentives (DD-11)**

Incentives are deliberate enticements offered by a vendor to encourage a purchase. Incentives are tangible non-monetary benefits to the recipient and include any value-added goods and services offered at no charge. Examples include:

- Extra goods or services
- Gifts
- Tickets to an event
- Free merchandise

Incentives are generally not accepted because it is inappropriate for a public institution to accept either property or a service that is difficult to identify as tangible and administer to the benefit to the District.

### **DD-11 Rebates, Premiums, Incentives, and Kickbacks**

**DO contact Procurement for advice if a vendor offers or suggests that you or your school accept something of value that is not part of the official offer.**

**DON'T accept any "kickback" from a vendor (personal favor, gift, gratuity or offer of entertainment). Don't accept premiums, rebates or incentives for your school or office, unless they are clearly defined in the offer.**

### **A.5.b. Rebates (DD-11)**

Rebates are offers from the supplier either to return part of the cost of the order to the purchaser or to provide additional consideration or compensation to encourage the purchase of goods and/or services. Examples are:

- cash or credit based on total purchases
- value-added goods or services offered at a substantially reduced price
- checks to either the purchaser or the District

If a manufacturer rebate is offered on a purchase you make, policy requires that the rebate check is made payable to the Los Angeles Unified School District, and that the credit of the funds is returned to the same fund source as the expenditure. You must submit the rebate check to the Cash Receipts Unit and indicate the funding line which the rebate is to be credited to. Failure to do so may result in investigation, criminal prosecution and disciplinary action.

LAUSD  
Cash Receipts  
Revenue Accounting Branch  
333 S. Beaudry Avenue, 26<sup>th</sup> Floor  
Los Angeles, CA 90017  
RE: "Indicate Accounting Line"

### **DD-11 Rebates, Premiums, Incentives, and Kickbacks**

**DO contact Procurement for advice if a vendor offers or suggests that you or your school accept something of value that is not part of the official offer.**

**DON'T accept any "kickback" from a vendor (personal favor, gift, gratuity or offer of entertainment). Don't accept premiums, rebates or incentives for your school or office, unless they are clearly defined in the offer.**

## **B. PLANNING AHEAD**

Planning ahead is the most important step. The dollar threshold of the acquisition will determine whether the procurement will need to be competed. If the procurement will be competed, you should plan ahead to ensure timeliness and efficiency. Urgency of a purchase because of lack of prior planning is not an acceptable reason to rush a purchase through. The competitive process can be lengthy depending on the complexity of the acquisition. Therefore, we recommend that you begin planning by utilizing the elements under B.1. below as well as Chapter 3 Competition and Procurement Planning.

### **B.1. Planning the Acquisition Elements**

When planning the acquisition approach, correctly determine the following:

- the need you are trying to address;
- existing options for meeting your need(s) and the inherent trade-offs;
- funding and estimated dollar value;
- type of procurement (goods, commodity, professional service, information technology, etc.);

- review and approval process;
- impact of existing District policies and procedures;
- method to acquiring goods, commodity and/or professional service;
- timeline;
- scope of work & evaluation criteria;
- specifications and updates; and
- management and back-up plan

### **B.1.a. Analysis of the Need**

In planning for an acquisition, the first step is to validate the need you are trying to address. Is it an isolated problem or does it connect to a larger need or issues at other sites?

### **B.1.b. Research of Existing Options**

What research has been conducted to determine the various options to meet the procurement need?

### **B.1.c. Funding and Estimated Dollar Value (DD-2)**

In planning the acquisition elements, the first step is to identify the funding line and budget for the acquisition. Identifying a funding line and budget will assist in determining the ability to acquire the supplies, equipment, general and professional service. Moreover, you are required to complete a fully funded shopping cart to commence procurement.

### **DD-2 Funding**

**DO ensure that contract funding is in place or that the LAUSD Budget Office has certified via Memorandum that the contract funding will be available in the SAP system in sufficient time to meet the payment obligations of the contract. Federal “Anti-Deficiency” law requires that contracting officers not enter into contracts unless they can be fully funded.**

**DON’T submit contract requests without having “Approved” status Shopping Carts or funding lines that do not have enough money to cover the complete payment obligations of the contract (or for at least the first year of contract performance, in the case of a multi-year contract request). Processing of your contract request will be delayed until Procurement can confirm funding in the SAP System.**

### **Initiating a Contract for Professional Services When Funds are Pending**

Often schools and offices receive grant award notification and are required to begin service prior to receipt of funds by the District. In such cases, you are still required to submit the necessary forms to PSD to initiate the contract. In addition, you shall provide a copy of the grant award notification letter as evidence of funds availability and a letter from Budget Services.

It is strongly recommended that grant recipients contact Budget Services to ensure grant funds are placed in the appropriate account as soon as grant award notification is received. Budget Services can work with the grant recipient to establish a zero budget line, if necessary, to allow funds to be encumbered for expenditure on grant-funded contract services as soon as possible. A zero-budget line will allow you to pre-encumber grant money not yet received, but you will

also need a budget override to accept/pass the transaction. You should discuss with your Fiscal Specialists or Specially Funded Programs.

### **Categorical Funds/Grants**

PSD can assist schools and offices in designing an organized approach in grant related procurements. This approach may consist of reviewing all line items for equipment, materials, supplies and services in proposed budgets submitted as part of a grant application and packaging them into an overall procurement solution that focuses on maximizing procurement process efficiencies while getting the best value with less (volume based approach). During this process, PSD and the school/office will also be in compliance with the specific grant terms and conditions.

There are restrictions on the types of procurements that are permissible with categorical funds and grants. It is your responsibility to ensure that categorical funds or grant funds are used properly. Please refer to your Fiscal Specialists or Specially Funded Programs for guidance.

#### **B.1.d. Type of Purchase**

Determining the type of purchase begins by identifying the major objective and/or purpose of the entire purchase. In doing so, ask yourself the following questions:

- What is the sole or main purpose of the purchase?
- Is it available in the District's Distribution Center?
- Is a Master Contract/Agreement available?
- Is it for supplies, equipment, general or professional services?

### **C. PROFESSIONAL SERVICES (Non-Facilities) (DD-4)**

Professional service contracts will be processed under the following conditions:

Professional service contracts can be used to engage qualified individuals or firms to provide temporary special services in areas such as financial, economic, accounting, engineering, architect, technical, design-build, legal, or administrative matters.

Professional service contracts may not be used to hire persons who should be classified as employees rather than as contractors under federal and State guidelines, or to perform work that could be assigned to certificated, classified, or unclassified District employees. It is against District policy to contract with District employees such as teachers, specialty teachers, or instructors.

#### **DD-4 Outsourcing**

**DO read Education Code section 45103.1 (Senate Bill 1419, Alarcon). The Education code addresses the outsourcing of services currently or customarily performed by classified school employees.**

**DON'T submit a Request for Procurement Action (RFPA) for services currently or customarily performed by classified school employees, unless ALL of the Ed Code 45103.1 criteria for doing so have been met, and you accompany your RFPA with documentation showing that you have met all of those criteria.**

## **C.1. Legal Requirements for a Valid Independent Contractor Relationship (DD-4)**

1. Under federal and State law, an independent contractor is one who renders a specified service for a specified result, under the control of the District as to work product only, not as to the manner and means of accomplishing the result. If the District has the right to control the method of performance, the worker is an employee and may not be hired by contract. Examples which are indicative of a right to control the method of performance include, but are not limited to: giving instructions, training, the requirement of personal service, requirements as to the sequence of performance and the submission of reports.
2. Federal and state guidelines which should be considered in determining whether a service provider is actually an independent contractor include, but are not limited to:
  - right to fire at will without cause;
  - service provider engaged in a distinct occupation or business;
  - kind of occupation;
  - skill required in particular occupation;
  - whether principal or service provider supplies instrumentalities, tools, and place of work;
  - length of time for which services to be performed;
  - method of payment;
  - whether service rendered integral part of principal's business;
  - whether parties believe creating employer-employee relationship;
  - whether classification bona fide and not ploy to avoid employee status;
  - service provider's degree of investment;
  - whether service provider holds self out to be in business with independent business license;
  - whether service provider has employees; and
  - service provider's opportunity for profit or loss.

Please contact the Office of General Counsel for specific questions and clarification.

- 3 The independent contractor relationship must comply with federal and state law guidelines.
4. Examples of workers who cannot be hired as contractors:
  - a. administrators, substitutes, tutors
  - b. teachers, school bus drivers, cafeteria workers
  - c. specialty teachers, clerical staff, counselors
  - d. instructors, athletic coaches, custodians
  - e. proctors, librarians, nurses
  - f. psychologists, examination monitors

If individuals are needed to provide services which do not meet federal and state law guidelines, please contact the Personnel Commission at (213) 241-7800 for assistance concerning clerical or other services similar to those performed by classified employees and the Human Resources Division at (213) 241-6359 for assistance concerning instructional or other services similar to those performed certificated employees and for information regarding hiring Professional Experts.

Education Code section 45103.1 (Senate Bill 1419, Alarcon) further restricts the District's ability to contract for professional services. As of January 1, 2003, the District must show that a new contract for personal (professional) services provides cost savings to the District or that it falls into one of the following statutory exceptions, or else it must hire an employee to perform the services:

1. The contract is for new functions and the Legislature has specifically mandated or authorized the performance of the work by independent contractors.
2. The services contracted are not available within the District, cannot be performed satisfactorily by District employees, or are of such a highly specialized or technical nature that the necessary expert knowledge, experience, and ability are not available through the school district.
3. The services are incidental to a contract for the purchase or lease of real or personal property. Contracts under this criterion, known as "service agreements," shall include, but not be limited to, agreements to service or maintain office equipment or computers that are leased or rented.
4. The policy, administrative, or legal goals and purposes of the district cannot be accomplished through the utilization of persons selected pursuant to the regular or ordinary school district hiring process. Contracts are permissible under this criterion to protect against a conflict of interest or to ensure independent and unbiased findings in cases where there is a clear need for a different, outside perspective. These contracts shall include, but not be limited to, obtaining expert witnesses in litigation.
5. The nature of the work is such that the criteria for emergency appointments apply. "Emergency appointment" means an appointment made for a period not to exceed 60 working days either during an actual emergency to prevent the stoppage of public business or because of the limited duration of the work. The method of selection and the qualification standards for an emergency employee shall be determined by the District. The frequency of appointment, length of employment, and the circumstances appropriate for the appointment of firms or individuals under emergency appointments shall be restricted so as to prevent the use of emergency appointments to circumvent the regular or ordinary hiring process.
6. The contractor will provide equipment, materials, facilities, or support services that could not feasibly be provided by the in the location where the services are to be performed.
7. The services are of such an urgent, temporary, or occasional nature that the delay incumbent in their implementation under the District's regular or ordinary hiring process would frustrate their very purpose.

For additional information, please refer to Bulletin BUL-6816.0 - Professional Services Contracts (Independent Contractors). (At the time of the publication of this manual, Bulletin BUL-6816.0 has not yet been released.)

#### **DD-4 Outsourcing**

**DO read Education Code section 45103.1 (Senate Bill 1419, Alarcon). The Education code addresses the outsourcing of services currently or customarily performed by classified school employees.**

**DON'T submit a Request for Procurement Action (RFPA) for services currently or customarily performed by classified school employees, unless ALL of the Ed Code**

**45103.1 criteria for doing so have been met, and you accompany your RFPA with documentation showing that you have met all of those criteria.**

**D. REQUIRED APPROVALS (DD-5 and DD-6)**

**Professional Services**

<b>DOLLAR THRESHOLD</b>	<b>APPROVALS &amp; REQUIREMENTS<sup>1</sup>:</b>
\$1 - \$1,500/\$3,000	<p>Approving Official, if utilizing P-Card Principal/Head of Organization, if utilizing SAP Shopping Cart</p> <p>P-Cards may be used for professional services. However, if the vendor does not accept P-Card, use the SAP Shopping Cart.</p>
Over \$1,500/\$3,000 up to \$25,000	<p>Approvals for Schools: Head of the Organization (Principal) Approvals for Offices: Head of the Organization</p> <p>You may use the SAP Shopping Cart to select a vendor and auto-generate a Purchase Order.</p> <p><b>NOTE:</b> Schools: Approval workflow will go to the head of the Cost Center that is being used in the funding line of the shopping cart. The Cost Center restriction allows for the use of only once Cost Center in the shopping cart within the requestor's Cost Center.</p> <p>Offices: Approval workflow will go to the head of the Cost Center being use and in the case of multiple Cost Centers it will go to the next higher level. The Cost Center restriction allows the use of one or more Cost Centers in the shopping cart within the requestor's division.</p>
Over \$25,000 to below the Competitive Bid Limit	<p>Approvals for Schools: Head of the Organization (Principal) Approvals for Offices: Head of the Organization</p> <p>RFPA with appropriate signatures is required.</p> <p>Submit completed RFPA, fully funded Shopping Cart<sup>2</sup>, Scope of Work, price comparison/proposals (required to obtain the best price per Chapter 4, E.2. Professional Services (Informal RFP Process) on page 40), and other documents supporting selection to PSD (Procurement Services and Contract Administration Branch). School/Office may select the vendor.</p>

<sup>1</sup> Procurement will be conducting internal control compliance verification to ensure that District policy and procedures are followed. If violations are found, the school or office Procurement privilege may be limited or suspended.

<sup>2</sup> If request is for multi-year contract, the first year must be fully funded with the remaining funding to be submitted on a yearly basis.

At or above State Competitive Bid Limit up to \$250,000	<p>Approvals for Schools: Head of the Organization (Principal)  Approvals for Offices: Head of the Organization</p> <p>RFPA with appropriate signatures is required.</p> <p>Submit completed RFPA, fully funded Shopping Cart, Scope of Work and proposals/pricing and selection criteria per F.2. Professional Services at State Competitive Bid Limit to \$150,000 ONLY (Informal RFP Process) on page 41, to PSD. School/Office may select the vendor.</p>
Over \$250,000	<p>Approvals for Schools: Head of the Organization (Principal) and Senior Staff  Approvals for Offices: Head of the Organization and Senior Staff</p> <p>Submit completed RFPA (including page 2 of RFPA), fully funded Shopping Cart, Scope of Work, Evaluation Criteria, minimum requirements for the vendor to PSD. PSD will conduct a formal Request for Proposal (RFP).</p>

Contract amendments over \$250,000 or to a cumulative amount of contract actions that exceeds \$500,000 for a single contractor in a 12-month period within a single division, advance Board approval is required. The contractor may not perform services until the contract or amendment has been approved by the Board of Education and executed by PSD.

**Supplies, Equipment and General Services**

Supplies, equipment and general services are tangible items such as, but not limited to, equipment, automotive parts, school supplies, and general services such as maintenance service of equipment armored car services or laundry service. Tangible items are subject to appropriate tax for both California and non-California vendors. LAUSD is a taxable entity.

<b>APPROVALS:</b>	
Distribution Center	Principal/Head of Organization for amount ordered from the District's Distribution Center.
<b>DOLLAR THRESHOLD</b>	<b>APPROVALS &amp; REQUIREMENTS:</b>
\$1 - \$1,500/\$3,000	<p>Approving Official, if utilizing P-Card  Principal/Head of Organization, if utilizing SAP Shopping Cart</p> <p>You may use the P-Card for supplies, equipment and general services. However, if the vendor does not accept P-Card, use the SAP Shopping Cart.</p>
Over \$1,500 up to \$25,000	<p>Approvals for Schools: Head of the Organization (Principal)  Approvals for Offices: Head of the Organization</p> <p>(Shopping Cart must be in Approved Status in SAP)</p>

<p>Over \$25,000 to below the State Competitive Bid Limit</p>	<p>Procurement Services and Contract Administration Branch will procure your request upon receiving the following approvals and documents stated below:          Approvals for Schools: Head of the Organization (Principal)          Approvals for Offices: Head of the Organization</p> <p>Submit a Shopping Cart in SAP with an Approved status and other documents supporting selection to PSD (Procurement Services and Contract Administration Branch).</p> <p><b><u>This does not apply to Distribution Center or book purchases.</u></b></p>
<p>At or above the State Competitive Bid Limit up to \$250,000</p>	<p>Procurement Services and Contract Administration Branch will procure your request upon receiving the following approvals and documents stated below:</p> <p>Approvals for Schools: Principal          Approvals for Offices: Head of Organization          RFPA with appropriate signatures is required.</p> <p>Submit a fully funded Shopping Cart<sup>2</sup> along with product/technical specifications and any supporting documentation to Procurement Services and Contract Administration Branch. You must also submit a completed RFPA with proper approvals. Procurement Services and Contract Administration Branch will conduct an invitation for Bid (IFB) that is opened under seal at a pre-determined date.</p> <p><b><u>This does not apply to Distribution Center or book purchases.</u></b></p>
<p>Over \$250,000</p>	<p>Procurement Services and Contract Administration Branch will procure your request upon receiving the following approvals and documents as stated below:</p> <p>Approvals for Schools: Head of the Organization (Principal) and Senior Staff          Approvals for Offices: Head of the Organization and Senior Staff</p> <p>RFPA with appropriate signatures is required and Senior Staff Approval.</p> <p>Submit a completed RFPA, fully funded Shopping Cart along with product/technical specifications, any supporting documentation and Informative for Board review to PSD. The Informative shall include background on suggested award, details of usage and funding.</p> <p><b><u>This does not apply to Distribution Center or book purchases.</u></b></p>

## **DD-5 Required RFPA Signatures**

**DO obtain the signatures required on the RFPA in Section 2.E, “Required Approvals.”**

**DON’T submit the RFPA to Procurement without the required RFPA signatures. Processing of your contract request will be delayed until Procurement has received a fully authorized RFPA.**

## **DD-6 Shopping Carts**

**DO obtain the correct funding line information from your school or office’s financial person.**

**DON’T send a Shopping Cart to a contractor. A Shopping Cart is not a contract or Purchase Order.**

### **D.1. Additional Approvals Required<sup>3</sup>:**

Additional approvals required:

- Health Services rendered to students and Healthy Start Programs approval required by Student Health and Human Services
- All structural changes such as, but not limited to, temporary or permanent fixture installation that require drilling hole(s) onto school/office walls, electrical work, etc., for example, mounting of television projector, white boards, and mural paintings require the approval of Maintenance & Operations
- Technology systems, services, software and hardware require the approval of Information Technology Division
- Automobile/vehicle purchases approval required by Transportation Branch Fleet Maintenance Services
- Chemicals, cleaning supplies, various equipment (pressure washers, floor care machines, gardening machines, saws, kilns, golf carts, etc.), electric maintenance vehicles, and other items that may pose a safety hazard to students, teachers and District staff require approval of the Office of Environmental Health & Safety, except when ordering from the District’s Distribution Center.

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<sup>3</sup> If payment through P-Card or SAP Shopping Cart, you must obtain written approval as indicated for proof of approval for auditors. A memo authorizing purchase is sufficient from the required approver.

## **D.2. Request for Procurement Action (RFPA) (DD-5)**

**A Request for Procurement Action (RFPA) is required for all supplies, equipment, and general service procurements above the state competitive bid limit and professional services above \$25,000. This does not apply to purchases from Master Agreements, Distribution Center or textbook purchases.**

The RFPA will be utilized for professional services above \$25,000 and for supplies, equipment and general services above the state competitive bid limit. A fillable .pdf of the RFPA is available on the PSD website: <http://achieve.lausd.net/Page/4073>. **However, please note that you must print the RFPA since you cannot submit electronically and you must obtain the required approvals.** For assistance completing the RFPA, please view the “Instructions for Completing the Request for Procurement Action (RFPA) form training video” located at <http://achieve.lausd.net/Page/4073> or you can contact PSD at the Centralized Customer Service (562) 654-9009.

Upon completion of the RFPA, please send as follows:

### **Professional Services**

Procurement Services and Contract Administration Branch  
333 S. Beaudry Ave, 28th Floor  
Los Angeles, CA 90017  
Fax (213) 241-5845

### **Supplies, Equipment and General Services (over State Competitive Bid Limit)**

Procurement Services Center – Procurement Services and Contract Administration Branch  
8525 Rex Rd.  
Pico Rivera, CA 90660  
Fax (562) 654-9019

## **DD-5 Required RFPA Signatures**

**DO obtain the signatures required on the RFPA in Section 2.E, “Required Approvals.”**

**DON’T submit the RFPA to Procurement without the required RFPA signatures. Processing of your contract request will be delayed until Procurement has received a fully authorized RFPA.**

## **E. TIMELINE (DD-2, DD-5, DD-7 and DD-9)**

It is imperative that you begin planning early to obtain the purchase in a timely manner. The amount of time necessary for the planning process is dependent upon the dollar value, risk, complexity, and criticality of the proposed purchase.

<b>CONTRACT AMOUNT</b>	<b>TIMELINE<sup>4</sup> (Professional Services/Non-Facilities and Supplies/Equipment)</b>
\$1 - \$1,500/\$3,000	Same day for P-Card transactions
\$1 up to \$25,000	Auto-generated Purchase Order (Upon approval by the Head of Organization, the Purchase Order will automatically be emailed to the vendor)
Over \$25,000 to below the State Competitive Bid Limit	PSD will process within 15 business days of receipt of a complete request.  Please see DD-2, DD-5, DD-7 and DD-9 below.
Over the State Competitive Bid Limit up to \$250,000	PSD will process within 60 to 80 business days of receipt of a complete request for supplies/equipment and 15 business days for professional services.  Please see DD-2, DD-5, DD-7 and DD-9 below.
Over \$250,000	A tailored acquisition will be developed depending on the level of complexity. Additional time will be required for the Board Approval process.  Please see DD-2, DD-5, DD-7 and DD-9 below.

## **DD-2 Funding**

**DO ensure that contract funding is in place or that the LAUSD Budget Office has certified via Memorandum that the contract funding will be available in the SAP system in sufficient time to meet the payment obligations of the contract. Federal “Anti-Deficiency” law requires that contracting officers not enter into contracts unless they can be fully funded.**

**DON’T submit contract requests without having “Approved” status Shopping Carts or funding lines that do not have enough money to cover the complete payment obligations of the contract (or for at least the first year of contract performance, in the case of a multi-year contract request). Processing of your contract request will be delayed until Procurement can confirm funding in the SAP System.**

## **DD-5 Required RFPA Signatures**

**DO obtain the signatures required on the RFPA in Section 2.E, “Required Approvals.”**

**DON’T submit the RFPA to Procurement without the required RFPA signatures. Processing of your contract request will be delayed until Procurement has received a fully authorized RFPA.**

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<sup>4</sup>The above timelines are inclusive of all necessary internal approvals, and the submission of acceptable complete Procurement package, including all necessary supporting documentation. Processing time provides for the drafting of contract document, verification of vendor compliance of insurance requirements, legal review (if applicable), and obtaining Contractor and District authorized signatures.

## **DD-7 Statement of Work for Professional Services**

**DO attach a Statement of Work to your RFPA for Professional Services. You have the right to make your requirements known. The heart of a professional services contract is the Statement of Work.**

**DON'T use the contractor's proposal as your Statement of Work. The RFPA is a request for what YOU want, not what the contractor wants to sell to you.**

## **DD-9 Competition**

**DO recognize that the money spent using contracts and Purchase Orders belongs to the public, and that competition is required by Board policy and by the California Public Contract Code Section 100, to ensure full compliance with competitive bidding statutes as a means of protecting the public from misuse of public funds; to provide all qualified bidders with a fair opportunity to enter the bidding process, thereby stimulating competition in a manner conducive to sound fiscal practices; to eliminate favoritism, fraud, and corruption in the awarding of public contracts. See sections D.2.b and E.2 of this Manual for application of School/Office process when the contract amount is not greater than the State Bid Threshold.**

**DON'T submit an RFPA with a Single Source Justification, if competition can be obtained. Check with Procurement before attempting to write a Single Source Justification. Within certain dollar ranges, you can conduct your own informal competitive process, and you can also request Procurement to issue a competitive solicitation at the higher dollar amounts.**

## **F. STATEMENT OF WORK FOR PROFESSIONAL SERVICES**

The elements of a Statement of Work (SOW) can vary with the objective, complexity, size, and nature of the work to be performed. A SOW should be drafted in clear, simple, and concise statements. There should never be a question as to what work is to be completed, or what the contractor is obligated to do – nothing should be implied. Requirements should be clearly stated to easily determine compliance to the contract. All requirements should be described in sufficient detail to assure clarity. Every effort should be made to avoid being ambiguous.

There are five (5) basic parts that will provide a practical discipline for drafting a SOW. They are as follows:

<b>Scope</b>	A broad, non-technical sketch of the nature of the work required. This part summarizes the actions to be performed by the contractor and the results expected by the District.
<b>References</b>	All documents invoked elsewhere in the SOW should be listed by document number and title. Pinpoint specific chapter sections, etc. applicable to the contract. Explain where the material may be obtained. The documents may include District Bulletins, laws, scholarly studies and technical publications, reports, standards, specifications, and other references needed to clarify or support the work task.
<b>Requirements (References/Tasks)</b>	Explain precisely the work to be performed in clear, understandable language. Set out exactly what is needed and the specific objectives. Define the nature of the work, with strong “work” words, as objectives.
<b>Program Management</b>	This is where you indicate your project meeting requirements, reports required or anything to do with project management.
<b>Deliverables</b>	Specify what “tangible” or “intangible” work products should be produced as a result of project execution, and when they should be delivered (i.e. status report due 30 days after contract start).

A SOW is unique for each procurement, but usually consists of some or all of the following:

1. A general statement of the scope or extent of the work to be performed.
2. The period of performance of the work.
3. The place for performance of the work.
4. Reference documents, procedures, or specifications governing the work to be performed.
5. The specific work requirements:
  - a. A detailed statement of the purpose, objective or goals to be undertaken by the vendor.
  - b. The job classification or approximate skill level of the personnel to be made available by the vendor.
  - c. An identification of all significant data deliverables and material to be developed by the vendor and delivered to the District.
  - d. An identification of all significant data or materials to be delivered by the District to the vendor.
  - e. An estimated time schedule for the provisioning of these services by the vendor.
  - f. Completion and Acceptance criteria for the work to be performed.
6. Management or administrative requirements of the work.
7. Compliance or Progress Reporting requirements.
8. Completion or Close-out requirements.

### **Deliverables / Data / Proprietary Rights**

It is important to include where applicable data or proprietary rights. For example:

“Contractor in performance of its duties described within the scope of services agreed upon between the school or office (District) and the contractor, acknowledges that the District holds all exclusive and proprietary rights to the deliverables produced under the referenced agreement (contract or Purchase Order). i.e., photographs taken as part of the scope of work; programs,

software, lines of code written for a specific development project; intellectual properties developed as a part of a District paid/funded contract or project; documents written as a deliverable under an agreed upon project; etc.”

“Contractor acknowledges that the District has exclusive and unlimited rights to such deliverables, which the contractor shall not have any rights to use, reuse, sell, resell, re-engineer, reverse engineer, provide to others, or maintains copies for work or archival purposes. Upon completion of the contract and within thirty (30) days from acceptance of final deliverables by the District, contractor shall provide written certification that it has purged and destroyed all copies of the deliverables (hard and electronic copies) from their possession, including subcontractors and those affiliated with the performance of duties under the agreement.”

## **Performance oriented or performance based**

Performance based SOW are the preferred method of stating needs. A performance based SOW structures all aspects of procurement around the purpose of the work to be performed and does not dictate how the work is to be accomplished. It is written to ensure that the vendor is given the freedom to determine how to meet the District’s performance objectives and provides for payment only when the results meet or exceed these objectives.

## **G. SPECIFICATIONS FOR SUPPLIES, EQUIPMENT AND GENERAL SERVICES**

### **G.1. Qualified Products List (QPL)**

A qualified products list identifies various brands that have met specific criteria. Competition is limited to those manufacturers whose products are on the list. The purpose of this type of specification is to determine, in advance, those products on the QPL.

### **G.2. Design Specification**

Design specifications detail the characteristics that an item must possess to meet your specific requirements. They state what materials or methods must be used, or tell the vendor how to go about doing the work. All it takes to turn an otherwise performance-type specification to a design specification is one design requirement. Some specifications are so detailed that they also may describe how the product is to be manufactured. Design specifications are not as applicable for purchasing items designed by a manufacturer. The tendency to specify equipment with exact characteristics can be too restrictive and cost prohibitive. This is the case when dealing with patented products. For items that are neither patented nor custom made, a modified design specification can meet the criteria of a good specification by describing only essential features. This allows offerors more flexibility when establishing their prices.

### **G.3. Performance Specification**

Performance specifications say what the product must do or be capable of producing and describe the performance requirements that a product must meet. Performance specifications advise the vendor what the final product must be capable of accomplishing rather than describing how it is to be built or its design characteristics.

#### **G.4. Item Specification**

Specifying equipment by make and model may violate the competitive process required by state and federal laws and regulations. It is essential to include specific information that clearly identifies the level of quality and performance expected. It is appropriate to name the salient characteristics to be used in determining responsiveness.