

Wyomissing Area School District

SECTION: OPERATIONS

TITLE: ELECTRONIC RECORDS/
SIGNATURES

ADOPTED:

REVISED:

	800.1 ELECTRONIC RECORDS/SIGNATURES
1. Purpose	<p>Under certain conditions electronic records and signatures satisfy the requirements of a written signature when transacting business. The Wyomissing Area School District wishes to promote effective and efficient use of electronic communications to conduct business. Although all electronic signatures are represented digitally, they can take many forms and can be created using many different types of technology. The authenticity and reliability of electronic records and signatures relating to transactions are dependent on the accompanying processes, supplemental records and the overall context in which records are created, transferred, signed and stored. The District adopts the following policy with respect to the use of electronic records and signatures in connection with the transaction of District business.</p>
2. Definitions	<p>Attribution - an electronic record or electronic signature is attributable to a person if it was the act of the person. The act of the person may be shown in any manner, including a showing of the efficacy of any security procedure applied to determine the person to which the electronic record or electronic signature was attributable.</p> <p>Electronic Signature - an electronic sound, symbol or process attached to or logically associated with a record and executed or adopted by a person with the intent to sign the record.</p> <p>Electronic Record - any record created, generated, sent, communicated, received or stored by electronic means.</p>
3. Guidelines	<p><u>Electronic Records</u></p> <p>Electronic records created or received by the District shall be appropriately attributed to the individual(s) responsible for their creation and/or authorization or approval. The District shall utilize available technology to implement reliable methods for generating and managing electronic records. Any electronic record filed with or issued by the District shall be given full force and effect of a paper communication if the following conditions are satisfied:</p> <ol style="list-style-type: none"> 1. The communication is an electronic filing or recording and the District agrees to accept or send such communication electronically; and

2. If a signature is required on the record or communication by any law, rule or other applicable District policy, the electronic signature must conform to the requirements set forth in this policy governing the use of electronic signatures.

Electronic Signature

An electronic signature may be used if the law requires a signature unless there is a specific law, regulation, or order that requires records to be signed in non-electronic form. The issuance and/or acceptance of an electronic signature by the District shall be permitted in accordance with the provisions of this policy and all applicable state and federal laws. Such electronic signature shall have the full force and effect of a manual signature only if the electronic signature satisfies all of the following requirements:

1. The electronic signature identifies the individual signing the document by his/her name and title;
2. The identity of the individual signing with an electronic signature is capable of being validated through the use of an audit trail;
3. The electronic signature and the document to which it is affixed cannot be altered once the electronic signature has been affixed; and
4. The electronic signature conforms to all other provisions of this policy.

Acceptance, Use And Issuance Of Electronic Records And Signatures

The District shall develop and maintain an electronic recordkeeping system that can receive, store, and reproduce electronic records and signatures relating to transactions in their original form. Such system shall include security procedures whereby the District can:

1. Verify the attribution of a signature to a specific individual;
2. Detect changes or errors in the information contained in a record submitted electronically;
3. Protect and prevent access, alteration, manipulation or use by an unauthorized person; and
4. Provide for non-reproduction through strong and substantial evidence that will make it difficult for the signer to claim that the electronic representation is not valid.

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<p>Pol. 800</p>	<p>The District shall ensure that all electronic records and signatures are capable of being accurately reproduced for later reference and retained until such time as all legally mandated retention requirements are satisfied.</p> <p>The District shall designate individuals who are authorized to utilize an electronic signature in connection with District business and shall require each designated individual to sign a statement of exclusive use.</p> <p>The District shall maintain a secure hard copy log of the PIN/password or actual signature of any individual authorized to provide an electronic signature in connection with District business.</p> <p>The District will receive and accept as original, electronic records and signatures so long as the communication, on its face, appears to be authentic.</p> <p>The District will retain in its records this policy and all statements of exclusive use, until such time as all legally mandated retention requirements are satisfied.</p> <p>References:</p> <p>Pennsylvania Electronic Transactions Act – 73 P.S. Sec. 2260.101 et seq.</p> <p>U.S. Electronic Signatures in Global and National Commerce Act – 15 U.S.C. Sec. 7001 et seq.</p> <p>Board Policy – 800</p>
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SECTION: FINANCES

WYOMISSING AREA SCHOOL DISTRICT

TITLE: PURCHASES SUBJECT TO
BID/QUOTATION

ADOPTED: November 25, 1996

REVISED: January 28, 2008

	610. PURCHASES SUBJECT TO BID
1. Purpose SC 751, 807.1	It is the policy of the Board to obtain competitive bids for products and services where such bids are required by law or where such bids may be believed to bring about a cost savings to the School District.
<u>2. Guidelines</u> <u>SC 120, 751, 807.1</u>	<u>The amounts contained in this policy regarding competitive bid and price quotation requirements are subject to adjustments based on the Consumer Price Index.</u>
2. Authority SC 807.1	<p>Materials or supplies to be furnished, sold or leased to the District, unless exempt by statute, having <u>an aggregate value a base amount</u> of <u>more than \$14,000.00 \$18,500 or more</u> are subject to competitive bid.</p> <p>Certain instructional supplies and materials (maps, music, globes, charts, educational films, filmstrips, prepared transparencies and slides, prerecorded magnetic tapes and disc recordings, textbooks, games, toys, prepared kits, flannel board materials, flash cards, models, projectuals and teacher demonstration devices necessary for school use) are exempt from bidding as stated above.</p>
SC 751	All contracts for construction, reconstruction, repairs, maintenance or work on any school building or property, unless exempt by statute, having a <u>value total cost</u> of more than <u>\$14,000.00 \$18,500</u> shall be subject to competitive bid, except where such work is valued at less than <u>\$5,000.00 \$10,000</u> and is performed by District employees.
SC 511, 807.1	All purchases of materials or supplies made by any organization, club, society or group, or by any school or class, in excess of <u>\$5,700.00 \$10,000</u> shall be made upon solicitation of quotations or bids from three (3) or more responsible manufacturers of or dealers in such materials or supplies. All such purchases shall be made from the lowest responsible bidder on the basis of price, quality and service.
Pol. 613	The District shall use the state cooperative purchasing program (known as the Local Piggyback Purchasing Program, or L3P) administered by the Pennsylvania League of Cities and Municipalities, whenever practicable, as an alternative to or in addition to the bidding procedure. Also, state contracts bid through the Pennsylvania Department of General Services may be used as an alternative to or in addition to the

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	<p>bidding procedures. Contracts require the approval of the Director of Business Affairs, who shall determine the availability of items and shall complete the arrangements for any approved purchases.</p> <p>As a general rule, the awarding of contracts is the prerogative of the Board. In some instances, the Director of Business Affairs is authorized to award contracts. All other employees are prohibited from entering into contracts on behalf of the School District.</p>
3. Delegation of Responsibility	The Board directs the Superintendent, or a designee, to develop and implement procedures, consistent with current laws or regulations, to fulfill the intent of this policy.
4. Guidelines	<u>Soliciting Bids</u>
SC 751, 807.1	<p>Bid specifications shall be prepared by the Director of Business Affairs or his/her designee and shall provide for alternates wherever possible. S/He shall combine like items of supply and material whenever it is feasible and permissible under statute, but shall not split purchases or contracts in a piecemeal manner to avoid the requirements for bidding. Supplies related to a single area, such as maintenance supplies or athletic supplies, shall be grouped and quantities expected to be used throughout the school year shall be estimated for the purpose of determining the cost of prospective annual purchases and bidding requirements. Contracts for work shall not be split into separate transactions which reasonably should be treated as a single transaction.</p> <p>The Director of Business Affairs is authorized to advertise for bids in accordance with statutory procedures without prior approval of the Board but shall inform the Board of such action at the first meeting of the Board following said advertising.</p>
SC 807.1	<p>Public notice shall be given to prospective bidders by advertisement once a week for three (3) weeks in not less than two (2) newspapers of general circulation.</p> <p>Bid information shall be sent to those companies or firms responding to the advertising and to any other company or firm for which the School District's buyer directs distribution of bid documents. Vendors who have defaulted on previously-awarded contracts shall be refused the opportunity to participate in future bids.</p>
62 Pa. C.S.A. Sec. 4602, 4604	<p><u>Competitive Electronic Auction Bidding</u></p> <p>The Board shall adopt a resolution approving the use of competitive electronic auction bidding for contracts for supplies or services, but not for construction or design services.</p>

<p>62 Pa. C.S.A. Sec. 4604</p>	<p>An invitation for bids shall be issued and shall include:</p> <ol style="list-style-type: none">1. Procurement description.2. All contractual terms, when practical.3. Conditions applicable to procurement, including a notice that bids will be received in an electronic auction manner. <p>Public notice and advertisement of the invitation for bids shall be given in the manner required for non-electronic bidding. Bids shall be accepted electronically at the time and in the manner designated in the invitation for bids. During the auction, bidders shall be able to review their bid rank for the low bid price, and may reduce their bid prices during the auction. At the conclusion of the auction, the record of the bid prices received and the name of each bidder shall be open to public inspection. After the auction period has expired, the District shall grant in writing withdrawal of a bid when the bidder requests release and presents credible evidence of a clerical mistake due to reasons permitted by law, within the time period established by the District.</p>
<p>SC 807.1</p>	<p><u>Receiving Of Bids</u></p> <p>Bids shall be sealed and opened publicly by the Director of Business Affairs before one or more witnesses at a previously designated time and place. Public notices of such bidding shall specifically identify the time and place of bid openings.</p> <p>All bids shall be summarized and evaluated by the Business Office and other administrative departments as required in order to ascertain the lowest responsible bidder that meets specifications. When the bids have been summarized and evaluated, the Director of Business Affairs shall assess whether the lowest bidder was responsible. The extent of the assessment shall depend on such factors as the amount of the bid and the consequences to the District if the contract is not performed as specified.</p> <p>The Director of Business Affairs shall prepare a recommendation to the Board specifying which companies or firms submitted the lowest bids and what, if any, information indicates that the lowest bidders may not be responsible.</p>

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<p>SC 807.1</p> <p>SC 751</p> <p>SC 756</p>	<p><u>Award Of Contracts</u></p> <p>The Board must approve all bids awarded by this School District. Contracts shall be awarded to the lowest responsible bidder meeting specifications <u>with kind, quality and material being equal</u>. The Board shall have the right to reject any and all bids or select a single item from any bid. When Board approval has been obtained, purchase orders shall be issued and delivery dates established by the Business Office.</p> <p>In the event the School District advertises for bids on an item and no bids are received, the School District must rebid the item. If again no bids are received, the School District may purchase the item by solicitation of quotations from responsible suppliers.</p> <p>The Board recognizes that emergencies may occur when imminent danger exists to persons or property or the continuance of existing school classes is threatened and time for bidding cannot be provided because of the need for immediate action. Bidding decisions in the event of such emergencies shall be made in accordance with existing legal requirements.</p> <p><u>Bid Guarantees By Bidders</u></p> <p>Bidders who submit proposals to the School District shall accompany each proposal (equipment, contract work, materials or supplies) that exceeds a total cost of \$14,000.00 <u>\$18,500</u> with a certified check or a surety bid bond in the amount of ten percent (10%) of the total bid, payable to the Wyomissing Area School District.</p> <p>The base amount for computing the size of bond or check is the total amount of the bid. If alternate bids are submitted, the base amount is to be the total of the highest of the alternate bids.</p> <p>These bonds or checks shall be returned to the unsuccessful bidders immediately after the award of the contracts. The bonds or checks for the successful bidders shall be returned upon successful completion of the contract.</p> <p>For any contract for construction, reconstruction, repairs or work of any nature exceeding \$5,000.00 <u>\$10,000</u>, the successful bidder shall provide a performance bond and labor and material payment bond, each in the amount of one hundred percent (100%) of the contract price, before award of the contract.</p>
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<p>SC 324 65 Pa. C.S.A. Sec. 1101 et seq</p> <p>SC 324</p> <p>SC 808</p> <p>Pol. 317, 417, 517</p>	<p><u>Bidding Ethics</u></p> <p>No purchase shall be made from a member of the Board nor from a member of his/her immediate household nor from any enterprise in which s/he holds a substantial interest.</p> <p>No purchase shall be made from an employee of the School District nor from a member of the employee's immediate household.</p> <p>A Board member shall not be financially interested, directly or indirectly, in a contract with the District. S/He shall not perform labor or furnish equipment or supplies at any expense to the District.</p> <p>No school director shall, during the term for which s/he was elected or appointed, as a private person, engage in any business transaction with the School District or be employed in any capacity by the School District.</p> <p>The Board shall not draw, cause to be drawn, or accept a specification for items to be purchased by the School District that would limit the purchase of the item to the firm, corporation, partnership or other business entity of which a Board member is an officer, agent or employee and exclude all other persons who could submit quotations or bid on an equivalent item.</p> <p>In accordance with the School Law of Pennsylvania, "no person shall act as agent for school books or school supplies, in any district in which s/he is engaged or employed as a Superintendent, teacher, or employee of the school district in any capacity, or in which s/he was thus employed during the preceding school year."</p> <p>Employees shall refrain from accepting gifts, free services or anything of value from vendors for or because of any act performed or withheld.</p> <p><u>Violation</u></p> <p>Any employee violating this policy shall be subject to discipline up to and including termination.</p> <p><u>NOTES:</u></p> <p><u>The Department of Labor and Industry shall publish notice, in the Pennsylvania Bulletin prior to January 1 of each calendar year, of the annual percentage change</u></p>
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and the unadjusted or final adjusted base amounts at which competitive bidding is required and written or telephonic price quotations are required, respectively, for the calendar year beginning the first day of January after publication of the notice. This policy will be adjusted annually based on the notice published in the Pennsylvania Bulletin.

References:

School Code – 24 P.S. Sec. 324, 751, 756, 807.1, 808

Local Government Unit Electronic Bidding Act – 62 Pa. C.S.A. Sec. 4601 et seq.

Public Officials And Employee Ethics Act – 65 Pa. C.S.A. Sec. 1101 et seq.

Board Policy – 317, 417, 517, 613

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