

FINANCE

Purchasing and Supply

Authority to Contract

This policy supersedes Policy 5011.4

I. PURPOSE

To delegate authority to award and execute contracts and contract amendments.

II. SUMMARY OF CHANGES SINCE LAST PUBLICATION

This Policy has been updated to reflect new contract notification and approval processes.

III. ADVANCE NOTICE TO SCHOOL BOARD FOR CERTAIN CONTRACT ACTIVITY

The Office of Procurement Services will, in coordination with Division Counsel, provide written notification to the School Board a minimum of two business days prior to award or execution as the case may be, of the following:

- A. Any contract for nonprofessional services as defined in the Fairfax County Purchasing Resolution that exceeds \$500,000.
- B. Any contract amendment for nonprofessional services as defined in the Fairfax County Purchasing Resolution that causes the total value of the contract to exceed \$500,000.

The Office of Procurement Services will not proceed with award or execution of any such contract or contract amendment until the 2 business day period for objection by the School Board has expired.

IV. AUTHORITY TO CONTRACT

The School Board, the Division Superintendent or designee, and the County purchasing agent or designee (including the director of the Fairfax County Public Schools office of Procurement Services or designee), are the only entities or individuals who may approve and award contracts obligating the School Board of Fairfax County. The Division Superintendent shall issue an annual list of designees and the types of contracts for which those designees have approval and signing authority. No school system employee other than the Superintendent or designee or the purchasing agent or designee (including the director of the Fairfax County Public Schools office of Procurement Services or designee) may approve or execute a contract for any good or service in any amount unless that employee is on the designee list.

- A. School Board approval is required for the following contracts and contract amendments, which may be considered and voted on at a single public meeting of the School Board, without inclusion in a prior meeting's agenda for informational purposes (as is the School Board's customary practice):
1. Any professional services contract and/or consultant services contract (as such term is defined in Policy 5015, Procurement of Professional and Consultant Services), or contract amendment relating to such a contract, where the total contract value exceeds \$200,000.
 - a. Contract amendments that cause the total value of the contract to exceed \$200,000 will require approval by the School Board. For example, if the original contract value was \$175,000 (approved by the Division Superintendent) and an amendment for \$50,000 is submitted resulting in the \$200,000 threshold being exceeded, School Board approval is required prior to the execution of the contract amendment.
 2. Any sole source contract or contract amendment relating to a sole source contract where the total contract value exceeds \$200,000.
 3. Any contract and/or contract amendment between the School Board and another government entity that exceeds \$200,000.
 4. Any professional, consultant, and/or nonprofessional services fixed price contract amendment to increase the value by more than 25 percent of the amount of the contract or \$100,000, whichever is greater.
 5. Any facilities contract and/or contract amendment for the improvement of school system facilities, including architectural and engineering services, construction, renovation, maintenance, and related services that exceeds \$250,000, subject to all applicable policies and regulations.
- B. The Division Superintendent or designee are authorized to award and execute on behalf of the School Board any contract or contract amendment other than those referenced in Section IV(A). Specifically, the contracts and contract amendments that may be awarded and executed by the Division Superintendent or designee are as follows:
1. Contracts or amendments for professional and consultant services where the total contract value is less than or equal to \$200,000. Contract amendments that cause the total value of the contract to exceed \$200,000 will require approval by the School Board.
 2. Any contract or contract amendment for professional and consultant services between the School Board and another government entity that does not equal or exceed \$200,000.

3. Contracts or amendments for nonprofessional services (other than consultant services) provided that prior notification shall have been given to the School Board in accordance with Article III of this Policy for any such contract and/or contract amendment that exceeds \$500,000.
 4. Any facilities contract and/or contract amendment for the improvement of school system facilities, including architectural and engineering services, construction, renovation, maintenance, and related services, that does not exceed \$250,000, subject to applicable policies and regulations.
 5. Any contract and/or contract amendment expending local school activity funds. The procurement of goods and services shall be conducted under the rules and regulations established by the Fairfax County School Board in accordance with applicable policies and regulations of the school division.
 6. All contracts for goods in any amount except for contracts described in Section IV.A.
- C. Director of Office of Procurement Services. The following contracts shall be awarded by the Fairfax County purchasing agent, director of the FCPS office of Procurement Services, or his or her respective designee(s), pursuant to the authority granted by the 1968 joint board resolution.
1. The contracts and contract amendments referred to in Section IV.B provided they do not exceed the dollar thresholds specified therein.
- D. The Fairfax County Purchasing Resolution, which the School Board adopts annually, contains provisions for the award and execution of these contracts.

V. QUARTERLY REPORTS TO SCHOOL BOARD

The School Board will be provided a quarterly report of a) all sole source contracts not awarded by the School Board, and b) all contract activity where the total contract value exceeds \$200,000.

Legal Reference: Code of Virginia, §22.1-70, §22.1-79, §§ 2.2-4300 through §2.2-4377, Fairfax County Purchasing Resolution

See also the current version of:

- Policy 5010, Procurement of Goods and Services except Construction
- Policy 5015, Procurement of Professional and Consultant Services
- Regulation 5012, Purchasing Goods and Non-Professional Services Using Appropriated and Non-appropriated Funds
- Policy 8220, Architectural and Engineering Services

Policy 8240, Construction, Maintenance Services, Bids,
Contracts, Bonds, and Conflict of Interests

Policy
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FAIRFAX COUNTY SCHOOL BOARD