

---

The Superintendent of the Board of Education may make public works construction contracts defined as the building, altering, repairing, improving, demolishing, or other improvement of any kind to any school district property, binding said merged school system where the expenditure does not exceed \$50,000 and may make contracts, other than public works construction contracts for supplies, labor, repairs, and other necessary school purposes, binding said merged school district where the expenditure involved does not exceed \$10,000. All expenditures for such purposes in excess of such amount must be first authorized by resolution adopted at a regular or special meeting of the Board. No public works construction contract involving an expenditure of more than \$50,000 and no purchase other than public works construction contracts involving an expenditure of more than \$10,000 shall be made in any case without affording free competition. No contracts for construction, alteration, or repair of buildings or installation of equipment which involve the doing of labor or the furnishing of materials shall be entered into by the Board without taking the statutory bid, payment, and performance surety required of counties, municipal corporations, consolidated governments, authorities, boards of education, or public boards, bodies, or commissions, not specifically excluded elsewhere in the Georgia Code.

-

Purchasing from properly competed governmental, educational, and/or consortium contracts satisfy the “free competition” provision above. This may include, but shall not be limited to, Georgia State Contracts issued by the Department of Administrative Services (D.O.A.S.) or the Georgia Technology Authority (G.T.A.), United States General Services Administration (G.S.A.), Western States Contracting Alliance (W.S.C.A.), and U. S. Communities.

“Sole Source” purchases are purchases made without competitive procurement because circumstances exist that preclude obtaining competition. Generally, sole source purchases occur when the procurement of a good or service can be made only from one source of supply or when the procurement of a particular brand name or product is required. Since sole source purchases eliminate competition, Muscogee County School District carefully regulates them and requires that they be clearly identified within the purchasing process.

-

**PROCEDURE**

Muscogee County School District makes sole source purchases only when detailed justification exists. The requesting department manager is responsible for providing a detailed, reasonable, and defensible justification of sole source purchases. The Director

of Purchasing, or his or her designee, is responsible for approving the justification. See the attached "Sole-Source or Proprietary Purchase Justification Questionnaire."

The Superintendent of the Board of Education in the event of an emergency may make contracts for public works construction contracts, binding said merged school system where the expenditure involved exceeds \$50,000, and for supplies, labor, repairs, and other necessary school purposes, binding said merged school district where the expenditure involved does exceed \$10,000, and that the Board of Education by resolution may adopt rules and regulations governing the administration of this paragraph, including specific procedures which the Superintendent must follow in exercising the emergency spending powers. As used, in this paragraph, the term "emergency" means an eventuality which cannot reasonably be foreseen and which if not corrected immediately will result in harm to people or property or in economic loss to said merged school system.

The third paragraph of Section II of said Act of February 25, 1949, is hereby amended to read as follows:

All contracts, bonds and other evidences of indebtedness shall be executed by the chairman (or first or second vice-chairman) and the secretary of the Board of Education in the name of Muscogee County School District; except that contracts with teachers and other personnel shall, when authorized by said Board, be executed by the Superintendent of Education alone. Contracts of the Board with the Superintendent of Education shall be signed by the chairman (or first or second vice-chairman) and the secretary of the Board.

---

**ADOPTED:            March 18, 2002**  
**LAST REVISED:    July 19, 2004**

**MUSCOGEE COUNTY BOARD OF EDUCATION**