



## RIALTO UNIFIED SCHOOL DISTRICT PURCHASING SERVICES

### AGREEMENTS AND THE “REAF” PROCEDURE

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#### **General information regarding the purchase of goods, equipment, and services:**

The Rialto Unified School District (“District”) may enter into agreements to purchase goods, equipment, or services to support the operation of our District’s programs and for other services required by students or staff. The most common contract methods used by the District include a written agreement between the District and another Party or Parties, a Purchase Order, and the written acceptance of a quote or proposal.

The Superintendent or designee shall ensure that all purchases are made in accordance with appropriate laws and policies as defined in Board Policies, Administrative Regulations, Public Contract Codes, Education Codes, Government Codes, Code of Federal Regulations, and other applicable laws.

#### **Who can sign an agreement?**

One key provision regarding contract authority is Education Code section 17604. This statute notes that the governing board may delegate authority to specified staff to enter into agreements. If an employee enters into an agreement without this authority, that employee “shall be personally liable to the school district employing him or her for any and all moneys of the district paid out as a result of the malfeasance” (Education Code section 17604). Many schools have faced claims of failure to pay for goods and services when an unauthorized school employee entered into an agreement. These situations have typically come up with extracurricular activities, license subscriptions, athletics, and student body activities. The District Board of Education has also adopted Board Policy 3300, in essence stating that the Board shall not recognize obligations incurred in contrary to Board Policy and Administrative Regulations.

The following individuals are authorized to enter into agreements on the Districts behalf: The Board of Education, Superintendent, Lead Business Services Agent, Agent: Purchasing Services.

#### **Conflict of interest:**

Both the District employee(s) and the Contractor(s) providing goods, equipment, and services are responsible for ensuring there is no conflict of interest related to financial, business, professional, personal, or other interest, including, but not limited to, the representation of other parties, that would conflict in any manner or degree with the performance of obligations in providing goods or services to the District. Such conflicts include those contemplated by Government Code section 1090, the California Political

Reform Act (Government Code Section 87100 et seq.), and other California laws. District Purchasing Services or the Business Services office shall be immediately notified in writing if any such conflict of interests (whether actual or potential) arises in connection with conducting any business with the District.

**Types of written agreements:**

1. Professional Services/Training:

Professional services agreements are agreements for services from a specially trained and experienced person, firm, or corporation for special services and advice in financial, economic, accounting, engineering, legal, or administrative matters (Government Code 53060). Services may include professional development training, tutoring, consultants, architects, and audit professionals. It is important to note that independent contractors are not District employees. The law provides for the use of consultants or independent contractors when it is clear they can provide valuable and necessary specialized services not usually required on a continuing basis and which cannot be provided by District personnel because of experience or knowledge.

2. Software/License Agreement:

Software and License agreements are agreements with entities who provide software or licenses to access their technology, trademarks, or other types of digital property. Most licenses agreements include a Master Service Agreement (MSA) or a Service Level Agreement (SLA) which needs to be reviewed by the District. The products or services purchased under these agreements must also be compatible with the Districts current technology and security requirements. A separate Student Data Privacy Agreement (SDPA) may also be required if the software or license requires the sharing of student data.

3. Memorandum of Understanding (MOU)/No-Cost Agreement:

An MOU is an agreement used to establish an explicit non-financial collaboration with partnering organizations. The MOU provides documentation that demonstrates the organizations have consulted and coordinated the responsibilities of their activities in working together. No-cost agreements are formal agreements between the District and another entity to provide services at no-cost to the District.

4. School Assembly:

School assembly agreements are established to provide assemblies to students virtually or in person. These assemblies may include presentations, activities, audio/visual performances, and workshops.

5. Amendments:

An amendment is a modification to an existing agreement between two or more parties. The modification may include changes to the scope of work, terms and conditions, expiration dates, and compensation.

**Agreement limits and requirements:**

Dollar Amount	Documentation Required	Board Approval
Any	<p><b>Services Involving direct student contact either in person or virtually requires Board Approval and a written agreement for any dollar amount.</b></p> <p>(1) A Request to Enter into an Agreement Form (REAF) is required and a formal agreement shall be created before requesting Board approval            (2) Board Approval: The Board approval shall include the name of the contractor or service provider, a description of the scope of work, the contract start and end dates, and the dollar amount for services            (3) Executed Agreement            (4) A Signed Purchase Order</p>	Yes
\$0.01 - \$4,999.99*	<p>(1) A written quote or proposal with a scope of work from the service provider            (2) A Hold Harmless Agreement            (3) A Signed Purchase Order</p> <p><i>*The Lead Business Services Agent or Agent: Purchasing Services reserves the right to require Board Approval or a written contract for services regardless of the service type or dollar amount</i></p>	No
\$5,000 - \$99,099.99	<p>(1) A Request to Enter into an Agreement Form (REAF) is required and a formal contract shall be created before requesting Board approval            (2) Board Approval: The Board approval shall include the name of the contractor or service provider, a description of the scope of work, the contract start and end dates, and the dollar amount for services            (3) Executed Agreement            (4) A Signed Purchase Order</p>	Yes
\$99,100 or more	<p><b>Formal Procurement Process:</b> A Formal Request for Proposal may be required, contact Purchasing Services</p>	Yes

**How to submit a REAF:**

*Note: The REAF process has changed and now requires that the REAF be submitted as an attachment to a Requisition in Financial 2000. The REAF will be approved with the Requisition and a separate paper trail of approvals is no longer required. The REAF shall be submitted at least six weeks prior to the date services are needed.*

1. All services require a REAF.
2. Ensure the Contractor is registered and approved to do business with the District.
  - Contractors are required to submit an electronic vendor application using PlanetBids. The link to register as a vendor is available through the Purchasing Services webpage. Once the contractor is approved, they will be available in Financial 2000 with an assigned vendor number.
3. Fill out the REAF and attach it to a Requisition. The Requisition will serve as the REAF approval, encumbrance of funds, and Purchase Order once completed.
  - If a Board Item is required, please attach the draft to the Requisition.
4. The Contract Analyst will determine which agreement documents to use once the REAF reaches the Contract Analyst location.
  - i. The typical approval path for a REAF is as follows:

<b>Object Code 5810</b>	<b>Object Code 5840</b>
i. Requestor	i. Requestor
ii. Site Supervisor	ii. Site Supervisor
iii. Fiscal Analyst (confirm funds)	iii. Fiscal Analyst (confirm funds)
iv. Support Service Provider	iv. Support Service Provider
v. Lead Innov./Business Agent	v. Technology Services (compatibility)
vi. Contract Analyst	vi. Academic Technology (SDPA)
vii. Buyer	vii. Lead Innov./Business Agent
viii. Purchasing Agent	viii. Contract Analyst
ix. PO Creator	ix. Buyer
	x. Purchasing Agent
	xi. PO Creator

5. The Contract Analyst will draft the contract or collect the required documents. Once the contract is received the item will be placed on the Board Agenda for approval (if applicable), and the signed contract will be uploaded to Financial 2000 and the District’s Contract Management Module and moved forward to Purchasing for a Purchase Order.
6. Purchasing will issue a PO and a copy of the contract, or other documents, to the vendor to start services.

**Responsibility of the requesting site and approvers:**

- i. Verify the vendor is approved by Purchasing Services
- ii. Submit a Requisition and attach a completed REAF and, if applicable, a draft Board item

**Responsibility of the contract analyst:**

- i. Check REAF for completeness

- ii. Determined proper contract documents
- iii. Notify proper Service Area to ensure a Board Item is completed, if applicable
- iv. Develop contracts for consultants
- v. Work with consultants on any contract issues
- vi. Upload copies of the contract to Financial 2000 and PlanetBids

**Responsibility of the consultant/contractor/vendor:**

- i. Register on PlanetBids
- ii. Work with Contract Analyst to provide all necessary documents
- iii. Sign and return all requested documents to Business Services
- iv. Ensure an Agreement and Purchase Order are issued before starting any services