

RELATIONS WITH VENDORS

The Alloway Township Board of Education wishes to maintain good working relations with vendors who supply materials and services to the school system. Constructive efforts by the administration to seek the advice and counsel of vendors about how to improve such relationships are encouraged.

In the schools, vendors shall be seen by appointment only. Vendors who call upon a school shall be governed by policy 1250 Visitors. Teachers or supervisors of instruction who have invited vendors to call should notify the principal's office in advance so that proper courtesies may be extended.

No agents, canvassers, or vendors shall have access to teachers during their classes. No business concern which solicits or gains business through the school system shall use school facilities for this purpose.

All vendors, suppliers, contractors and/or any other business organizations that do business with the board of education shall be registered with the state of new jersey and provide proof of that registration to the business administrator before the board may enter into a contract with that business. Proof of registration shall be in the form of a copy of the State of New Jersey Business Registration Certificate. The business administrator shall keep a copy of the registration certificate on file.

Nondiscrimination

All vendors shall supply assurances that they do not practice discrimination as described in the administrative code. All vendors shall be informed that harassment of any kind of district students or employees by their representatives is prohibited.

If awarded a contract, all companies/firms will be required to comply with the requirements of N.J.S.A. 10: 5-31 et seq. and N.J.A.C. 17:27. During the performance of any awarded contract, the contractor or subcontractor, where applicable, will:

- A. Agree that it will not discriminate against any employee or applicant for employment because of age, race, creed, color, national origin, ancestry, marital status, affectional or sexual orientation, gender identity or expression, disability, nationality or sex. Except with respect to affectional or sexual orientation and gender identity or expression, the contractor will ensure that equal employment opportunity is afforded to such applicants in recruitment and employment, and that employees are treated during employment, without regard to their age, race, creed, color, national origin, ancestry, marital status, affectional or sexual orientation, gender identity or expression, disability, nationality or sex. Such equal employment opportunity shall include, but not be limited to the following: employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship.
- B. Post in conspicuous places, available to employees and applicants for employment, notices to be provided by the Public Agency Compliance Officer setting forth provisions of this nondiscrimination clause;
- C. Where applicable will, in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that all qualified applicants will receive consideration for employment without regard to age, race, creed, color, national origin, ancestry, marital status, affectional or sexual orientation, gender identity or expression, disability, nationality or sex;
- D. Will send to each labor union or representative or workers with which it has a collective bargaining agreement or other contract or understanding, a notice, to be provided by the agency contracting officer,

RELATIONS WITH VENDORS (continued)

advising the labor union or workers' representative of the contractor's commitments under this act and shall post copies of the notice in conspicuous places available to employees and applicants for employment;

- E. Comply with any regulations promulgated by the Treasurer pursuant to N.J.S.A. 10:5-31 et seq., as amended and supplemented from time to time and the Americans with Disabilities Act;
- F. Make good faith efforts to employ minority and women workers consistent with the applicable county employment goals established in accordance with N.J.A.C. 17:27-5.2, or a binding determination of the applicable county employment goals determined by the Division, pursuant to N.J.A.C. 17:27-5.2;
- G. Inform in writing its appropriate recruitment agencies including, but not limited to, employment agencies, placement bureaus, colleges, universities and labor unions, that it does not discriminate on the basis of age, creed, color, national origin, ancestry, marital status, affectional or sexual orientation, gender identity or expression, disability, nationality or sex, and that it will discontinue the use of any recruitment agency which engages in direct or indirect discriminatory practices;
- H. Revise any of its testing procedures, if necessary, to assure that all personnel testing conforms with the principles of job-related testing, as established by the statutes and court decisions of the State of New Jersey and as established by applicable Federal law and applicable Federal court decisions;
- I. Review all procedures relating to transfer, upgrading, downgrading and layoff to ensure that all such actions are taken without regard to age, race, creed, color, national origin, ancestry, marital status, affectional or sexual orientation, gender identity or expression, disability, nationality or sex, consistent with the statutes and court decisions of the State of New Jersey, and applicable Federal law and applicable Federal court decisions.

Contracting with Small/Minority Businesses/Women's Business Enterprises and Labor Surplus Area Firms

In accordance with state and federal law, the Board of Education shall take all necessary affirmative steps to ensure that minority businesses, women's business enterprises and labor surplus area firms are used whenever possible.

Affirmative steps shall include but not be limited to:

- A. Placing qualified small and minority businesses and women's business enterprises on solicitation lists;
- B. Ensuring that small and minority businesses and women's business enterprises are solicited whenever they are potential sources;
- C. Dividing total requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation by small and minority businesses and women's business enterprises;
- D. Establishing delivery schedule, where the requirement permits, that encourage participation by small and minority businesses and women's business enterprises;
- E. Using the services and assistance, as appropriate of such organizations as the Small Business Administration and the Minority Business Development Agency of the Department of Commerce: and,
- F. Requiring the prime contractor, if subcontracts are to be let, to take the affirmative steps listed above.

Honest and Ethical Relations with Vendors; Pay to Play Restrictions

RELATIONS WITH VENDORS (continued)

The district shall maintain honest and ethical relations with vendors and shall guard against favoritism, improvidence, extravagance and corruption in its contracting processes and practices. The school board will not vote upon or award a contract in the amount of \$17,500 or greater to any business entity which has made a reportable contribution to a member of the district board of education during the previous one-year period. Such contributions, to any member of the school board, from any entity doing business with the district are prohibited during the term of the contract, including contributions by a vendor's spouse or child, or contributions by any person having an interest in the business entity. Disclosure of contributions shall be made when contracts are required by law to be publicly bid. However, these limitations do not apply when a district emergency requires the immediate delivery of goods or services.

Disbarred Vendors Will Not Be Used

When acquiring goods and services under federally sponsored programs, the school district will not contract with a vendor who is currently either debarred or suspended from doing business with the Federal government. Prior to contract award, and in accordance with Federal requirements, the district contracting specialist will check the Federal Debarred Vendor List – Excluded Parties List – System for Award Management (SAM) on SAM.gov. Results from the SAM search shall be made part of the purchase order/contract documentation. Should a prospective vendor be found to be debarred or suspended by the Federal government, the business administrator's office will notify the superintendent of this finding and will place a hold on the supplier's registration within the school district financial system.

Strategies to Avoid Excessive Professional Services Expenditures

The board will seek to avoid excessive professional services expenditures, such as by:

- A. Establishing a maximum dollar limit, for budgetary purposes;
- B. Following state legal requirements and procedures to obtain the highest quality services at a fair and competitive price or through a shared service arrangement. This may include issuance of such contracts through a request for proposals (RFP) based on cost and other specified factors or other comparable process such as the use of the "fair and open process" as defined in N.J.S.A. 19:44A-20.7; and
- C. Limiting professional services contracts to non-recurring or specialized work for which the district does not possess adequate in-house resources or expertise.

Prudent Use of Legal Services

All contracts for legal services must comply with the payment requirements and restrictions set forth in N.J.S.A. 18A:19-1 as follows:

- A. Advance payments for legal services are prohibited;
- B. Services to be provided shall be described in detail in the contract;
- C. Invoices for payment shall itemize the services provided for billing period; and
- D. Payment shall only be for services actually provided.

If at any time the district's legal costs exceed 130 percent of the Statewide average per student amount, the procedures set forth in N.J.A.C. 6A:23A-5.2(a)3 will be implemented, unless evidence can be provided that such procedures would not result in a reduction of cost.

These procedures require the district to:

RELATIONS WITH VENDORS (continued)

- A. Limit and designate the persons with the authority to request services or advice from contracted legal counsel;
- B. Legal counsel will not be used unnecessarily to make management decisions or to obtain readily available information such as district policies;
- C. Requests for legal advice shall be made in writing; and
- D. Contact logs and records shall be kept and reviewed to determine that the requests for legal advice are necessary.

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 Readopted:

Key Words

Vendors, Sexual Harassment, Harassment, Nondiscrimination, Affirmative Action

<u>Legal References:</u>	<p><u>N.J.S.A.</u> 10:5-1 <u>et seq.</u> Law Against Discrimination See particularly: <u>N.J.S.A.</u> 10:5-31 through -35 <u>N.J.S.A.</u> 18A:6-8 <u>N.J.S.A.</u> 18A:11-1 <u>N.J.S.A.</u> 18A:12-2 <u>N.J.S.A.</u> 18A:12-21 <u>et seq.</u> <u>N.J.S.A.</u> 18A:18A-1 <u>et seq.</u> <u>N.J.S.A.</u> 18A:54-20 <u>N.J.S.A.</u> 52:32-44 <u>N.J.A.C.</u> 6A:7-1.8 <u>N.J.A.C.</u> 6A:23A-5.2 <u>N.J.A.C.</u> 6A:23A-6.3 <u>N.J.A.C.</u> 6A:28-1.1 <u>et seq.</u> <u>N.J.A.C.</u> 6A:30-1.1 <u>et seq.</u></p>	<p>Interest of school officers, etc., in sale of textbooks or supplies, royalties General mandatory powers and duties Inconsistent interests or office prohibited <u>School Ethics Act</u> Public School Contracts Law Powers of board (county vocational schools) Business registration for providers of goods and services Equality in employment and contract practices Public relations and professional services; board policies; efficiency Contributions to board members and contract awards School Ethics Commission Evaluation of the Performance of School Districts</p>
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Comprehensive Equity Plan, New Jersey State Department of Education

Possible

<u>Cross References:</u>	<p>*1250 Visitors 1313 Gifts to district employees *1330 Use of school facilities *2224 Nondiscrimination/affirmative action *3320 Purchasing procedures *4119.21/4219.21 Conflict of interest *9270 Conflict of interest</p>
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*Indicates policy is included in the Critical Policy Reference Manual.