

Chapter TCS 6

GENERAL DISTRICT POLICIES

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Note: Chapter A-V 6 as it existed on September 30, 1984 was repealed and a new chapter A-V 6 was created effective October 1, 1984; chapter A-V 6 was renumbered chapter TCS 6, Register, September, 1985, No. 357, eff. 10-1-85; chapter VTAE 6 was renumbered ch. TCS 6 under s. 13.93 (2m) (b) 1., Stats., Register, June, 1994, No. 462.

TCS 6.01 Purpose. The purpose of this chapter is to establish policies and procedures under s. 38.04 (14) (a), Stats., relating to district employee and district board member travel and expenses, procurement and personnel, and to administratively interpret s. 38.12 (7), Stats., requiring district boards to establish written policies under these rules.

History: Cr. Register, September, 1984, No. 345, eff. 10-1-84.

TCS 6.02 Definitions. In this chapter:

- (1) "Board" means the technical college system board.
- (2) "District" means a technical college district.
- (3) "District board" means the district board in charge of the technical colleges of a district.
- (4) "District director" means the person employed by a district board under s. 38.12 (3) (a) 1., Stats.

History: Cr. Register, September, 1984, No. 345, eff. 10-1-84; corrections made under s. 13.93 (2m) (b) 6., Stats., Register, June, 1994, No. 462.

TCS 6.03 General district policies. Each district board shall adopt, subject to review and approval by the board, written policies and procedures on district employee and district board member travel and expenses, procurement, and personnel, including the district director. Policies and procedures, and amendments to policies and procedures, adopted by a district board under this chapter shall be forwarded to the board within 30 days of adoption.

History: Cr. Register, September, 1984, No. 345, eff. 10-1-84.

TCS 6.04 Employee and district board member travel and expense reimbursement. Policies and procedures on travel and expense reimbursement adopted by district boards shall, at a minimum:

- (1) Specify those expenses incurred by district employees and district board members that are reimbursable by the district.
- (2) Specify that reimbursement for travel and other expenses incurred by district employees and district board members, in the performance of their official duties, may not exceed the actual, necessary and reasonable expenses as determined under sub. (3), except in unusual circumstances when accompanied by a full explanation of the reasonableness of the expense.
- (3) Establish uniform daily maximum permitted amounts to be reimbursed by the district for meals, lodging costs and porterage tips incurred by district employees and district board members in the performance of their official duties. Separate rates may be established for in-state travel and travel to high cost out-of-state cities.
- (4) Establish a standardized expense voucher and procedures for submission of the voucher. The expense voucher shall include the dates of travel, the purpose of travel, an itemized listing of all travel and expenses incurred, the method of travel and a statement of any expenses billed directly to the district. The expense voucher shall be signed by the district employee or board member

claiming reimbursement, and shall contain a statement that all travel expense items represent the actual, necessary and reasonable expenses incurred in the performance of that person's official duties, and that no portion of the claim was provided free of charge, was previously reimbursed by the district or was reimbursed by a person or organization other than the district.

(5) Specify the documentation that shall be submitted with the expense voucher.

(6) Establish a procedure for auditing the expense voucher prior to payment.

(7) Establish a travel authorization procedure.

History: Cr. Register, September, 1984, No. 345, eff. 10-1-84.

TCS 6.05 Procurement. (1) DEFINITIONS. In this section:

(a) "Business" means any corporation, partnership, individual, sole proprietorship, joint stock company, joint venture, or any other private legal entity.

(b) "Contract" means all types of agreements, regardless of what they may be called, for the procurement or disposal of supplies, services, equipment, or construction.

(c) "Contractor" means any person having a contract with the district.

(d) "Employee" means an individual who draws a salary or wages from the district, and any noncompensated individual performing services for the district.

(e) "Governmental unit" means the state, any county, town, city, village, or other political subdivision or any combination thereof, or any department, division, board or other agency of any of the foregoing.

(f) "Person" means any business, individual, union committee, club, or organization, or group of individuals.

(g) "Public construction" includes all labor and materials used in the framing or assembling of component parts in the erection, installation, enlargement, alteration, repair, conversion, razing, demolition or removal of any fixed equipment, building or facility.

(h) "Procurement" means buying, purchasing, renting, leasing, or otherwise acquiring any supplies, services, equipment or construction, and includes any other activity pertaining to obtaining supplies, services, equipment or construction.

(i) "Service" means the furnishing of labor, time, or effort by a contractor, not involving the delivery of a specific end product other than reports which are merely incidental to the required performance. This term shall not include employment agreements or collective bargaining agreements.

(2) POLICIES AND PROCEDURES. Each district board shall adopt procurement policies and procedures that, at a minimum do all of the following:

(a) *Delegation.* Identify those employees, by functional title, who are responsible for administering the district's procurement policy.

(b) *Code of conduct.* Establish a procurement code of conduct that shall, except as provided under s. 946.13, Stats., prohibit any

employee involved in procurement from having a financial interest in any procurement, and prohibit any employee involved in procurement from receiving any gratuity or other financial gain from any contractor.

(c) *Competitive bids.* Require that all procurements where the total cost exceeds \$25,000 and public construction under ss. 38.18 and 62.15 (1), (11) and (14), Stats., where the total cost exceeds \$10,000 be accomplished through the use of competitive bids except as provided by pars. (d), (e), and (i).

(d) *Sole source procurement.* Provide for sole source procurement where the district board determines that there is only one source for the required supply, service, equipment or construction item; where the required supply, service, equipment or construction item is to be purchased from another governmental body; or where cooperative purchasing under s. 16.73, Stats., is utilized or a cooperative purchasing association is recognized by the state director that has a competitive purchasing process that is substantially equivalent to the minimum requirements set forth in this section. The district board may delegate the power for authorizing sole source procurement to the district director who may with the approval of the district board redelegate this responsibility to other employees of the district.

(e) *Competitive selection.* Provide for competitive selection procedures in lieu of competitive bids for procuring the services of accountants, physicians, lawyers, dentists, and other providers of services where the district board determines that competitive selection in lieu of competitive bids is in the best interest of the district.

(f) *Solicitation of written quotes.* Except as provided under pars. (d), (e) and (i), require that all procurements where the total cost equals or exceeds \$10,000 and does not exceed \$25,000 be accomplished through the solicitation of written quotations from a minimum of 3 contractors or proposed contractors.

(g) *Procurements less than \$10,000.* Establish a procedure for all procurements where the total cost is less than \$10,000.

(h) *Annual review.* Require an annual review, based on a report that aggregates multiple purchases of similar goods, supplies, and services of all procurements made under pars. (f) and (g), to determine if a more competitive procurement process should be used in succeeding years. The district board shall take formal action on this report and such action shall be reflected in the district board's proceedings.

(i) *Emergency procurement.* Establish a procedure for emergency procurements where there exists a threat to the continued operation of the district or to the health, safety or welfare of students, employees or residents of the district. Emergency procurements shall be evidenced by a written determination of the basis of the emergency and of the selection of a particular contractor.

(j) *Records required.* Require that records be created and retained for all procurements where the total cost equals or exceeds \$10,000. These records shall include:

1. The rationale for the method of procurement.
2. The rationale for selection or rejection of any contractor or proposed contractor.
3. The basis for cost or price.

(k) *Audits.* Establish a procedure for audit and oversight of all procurements.

(L) *Disclosure of evaluation criteria.* Require that evaluation criteria related to bids and competitive selection procedures be disclosed in the specifications provided to prospective vendors.

(m) *Adherence to federal regulations.* Require that all federally funded procurements be made according to the appropriate federal regulations.

History: Cr. Register, September, 1984, No. 345, eff. 10-1-84; am. (2) (c) and (L), Register, September, 1995, No. 477, eff. 10-1-95; r. and recr. (2) (intro.), (h) and (L), am. (2) (c), (d), (f), (g), (j) (intro.) and (m), Register, April, 1999, No. 520, eff. 5-1-99.

TCS 6.06 Personnel. Policies and procedures on personnel shall, at a minimum, subject to existing and future collective bargaining agreements:

(1) Establish a code of ethics for all district employees that shall include:

- (a) Standards of conduct relating to outside employment.
- (b) Procedures to avoid conflicts of interests.
- (c) Penalties for violation of the code of ethics.

(2) Establish procedures for personnel evaluations and personnel actions.

(3) Delineate the organizational structure of the district.

(4) Establish a grievance procedure for non-represented employees.

(5) Require a contract incorporating the provisions of s. 38.28 (5), Stats., for every teacher, administrator, supervisor and the district director. This subsection does not apply to persons employed by the district board for less than 30 hours per week.

(6) Establish a system of personnel descriptions delineating the duties and responsibilities of employees of the district, and procedures for updating these personnel descriptions.

(7) Require an affirmative action plan to achieve a balanced workforce.

(8) Establish a policy and procedures to prohibit discrimination in employment on the basis of persons' age, race, creed, color, handicap, marital status, sex, national origin, ancestry, sexual orientation, arrest record or conviction record. Policies and procedures established under this subsection shall conform with ss. 111.31 to 111.37, Stats.

History: Cr. Register, September, 1984, No. 345, eff. 10-1-84.