

BIDDING/PURCHASING REQUIREMENTS

The School Board expects all purchases made by the School Department to be consistent with applicable laws and sound business practices. The Superintendent shall be responsible for developing and implementing administrative procedures for bidding and purchasing consistent with this policy.

This policy is intended solely as an internal guide to purchasing by the School Department. It does not afford any vendor any property or contractual rights against the school unit. No vendor shall have any enforceable rights against the School Department based upon this policy or alleged violations of this policy. No vendor shall have any rights against the school unit until such time as a written contract between the vendor and the School Department is executed by the vendor and an authorized representative of the school unit.

A. Bidding Required by Law

Maine law requires the Board to competitively bid property and casualty insurance; school bus and transportation contracts in excess of \$4,000; certain school building construction, alterations and repairs over \$100,000; bond anticipation notes for state-subsidized school construction projects; and lease purchase financing of buildings whose lease purchase costs qualify for state subsidy.

B. Competitive Bidding of Other Purchases

Where bidding is not required by law, it shall be the policy to competitively bid purchases of equipment, supplies, materials or services over \$20,000 provided that it is practical and cost-effective to specify the materials or services with sufficient particularity to allow meaningful comparison of bids.

If competitive bidding is not utilized, the Superintendent may seek Requests for Proposals (RFP) for purchases over \$20,000. Proposals may be negotiated in the best interest of the School Department. An RFP identifies the requirements the School Department intends to meet, but permits the vendor to propose the manner in which the work is to be performed and the materials to be used.

The Superintendent may forego the competitive bid or RFP process only when he/she determines that quality, expertise, time factors, or other important considerations outweigh the possible benefits of bidding or requesting proposals. In each such case, the Board shall be informed of the Superintendent's decision and the reasons for it in advance of entering into a contract.

C. Local Vendor

Local purchases must be considered whenever the following factors are comparable between local and non-local vendors; quality of product, suitability of project, price,

conformance to specifications, convenience of delivery, and general reputation of provider.

D. Sole Source Vendor

There may be times when only one supplier will be or can be used. For example, there are standardized computers and/or software where it would not be advantageous to seek bids from other manufacturers for an additional unit. Likewise, a certain product or line is clearly superior to others and the Superintendent believes that this is the only brand acceptable. When a sole source supplier is utilized, the Finance Committee will be informed in advance of the decision and the reasons for using a sole source supplier before the purchase is made or contract is signed. Upon receipt of the information, the Board may still require competitive bidding but may waive the minimum three bidder requirement.

E. Procedures for Bidding and Requesting Proposals

The method of notification that the School Department uses to solicit bids and proposals shall be reasonably designed to attract qualified vendors. Depending upon the circumstances, such notification may include public advertising; mailing of notices to potential vendors; and/or telephone calls to potential vendors (in the case of RFPs).

Bid Procedures

- A. The notification shall specify the deadline for submitting bids and the time and place of bid opening. Bid alternates shall be permitted at the discretion of the Superintendent. The notice shall reserve the right of the School Department to reject any or all bids, and to waive technical or immaterial nonconformities in bids if in the best interest of the school unit, and to exercise judgment in evaluating bids.
- B. **Written bids.** Bids shall be in writing, sealed with outside envelope or wrapper plainly marked "Bid, not to be opened until (insert appropriate date)," and mailed or filed with the Superintendent of the unit.
- C. **Time of opening.** A School Board member or employee of the school unit may not open a bid until the appointed time.
- D. **Public opening.** At the time and place stated in the public notice, and open to the public, all bids shall be opened by the Superintendent or, in the Superintendent's absence or disability, by any School Board member designated for the purpose by the Chair of the School Board.
- E. **Reading.** If any citizens who are not School Board members or employees of the school unit or any representatives of the press are present, bids shall, at that time, either be made available for examination by them or shall be read aloud in a manner to be heard plainly by those in attendance.

- F. In general, the School Board will award contracts to the lowest bidder that the Superintendent and School Board deem can satisfactorily fulfill the contract.

RFP Procedures

- A. Proposals should be submitted in the manner specified in the RFP, which shall be appropriate for the goods or services being purchased. If requests for RFPs are made by telephone, at least three vendors shall be contacted.
- B. Proposals are to be evaluated based on criteria appropriate for the project in question, and the contract will be awarded to the vendor whom the Superintendent and School Board deem best able to meet the requirements of the School Department.

Legal Reference: 5 MRSA § 1743-A
20-A MRSA §§ 1001(14), 5401(13)(D); 5402
20-A MRSA § 1314
30-A MRSA § 6006-E
Maine State Board of Education Rules for Major Capital
School Improvement Projects (Chapter 61, § 11(5))
Maine Department of Education and Maine Municipal Bond
Bank Rules for Maine School Facilities Program and School
Revolving Renovation Fund Program (Chapter 64, § 6)

Replaces: DJ

Adopted: May 2, 2013