

REGIONAL SCHOOL UNIT NO. 18

File: DJ

BIDDING/PURCHASING REQUIREMENTS

The School Board expects all purchases made by the School Unit 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. The acquisition of all services, equipment, and supplies at the Unit level shall be centralized under the supervision of the Superintendent.

This policy is intended solely as an internal guide to purchasing by the School Unit. 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 Unit 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 Unit is executed by the vendor and an authorized representative of the School Unit.

A. Bidding Required by Law

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

B. Competitive Sole Source Bidding of Other Purchases

Where bidding is not required by law, it shall be the policy of the School Unit to competitively bid purchases of equipment, supplies, materials or services over \$25,000 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 \$25,000. An RFP identifies the need the School Unit 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 School Board shall be informed of the Superintendent's decision and the reasons for it in advance of entering into a contract.

C. Procedures for Bidding and Requesting Proposals

The method of notification that the School Unit uses to solicit bids and proposals shall be reasonably designed to attract qualified vendors. Depending upon the circumstances, such notification may include public advertising and/or mailing of notices to potential vendors.

- D. There are times when it is mutually advantageous to request for bids jointly. Examples of this might be fuel oil, paper, or other times where large volumes bring reduced prices. The other parties or a spokesperson for all the parties in this case may place an item out for bid on behalf of the School Unit. The bids, once opened, are then handled, as are all others with a review and award.

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 Unit to reject any or all bids, and to waive technical or immaterial non-conformities 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 if 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 which the Superintendent and School Board deem can satisfactorily fulfill the contract. Every effort will be made to identify local parties who may be interested in providing articles and services to the School Unit and seek their bids.

RFP Procedures

- A. Proposals should be submitted in plain envelopes clearly marked “Proposal, not to be opened until (state time and date).” The RFP shall state the time and date that proposals shall be opened, and no proposals shall be opened before that time. Public opening is not required. The Superintendent may waive this requirement under special circumstances.

- 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 Unit.

Legal Reference: 5 MRSA § 1743-A
20-A MRSA §§ 1001.14, 5401.13 D; 5402
§ 13 c (Maine State Board of Education Rules for School Construction Projects)

Date of Adoption: March 26, 2009

Policies/RSU No. 18 Policies/D – Fiscal Management/DJ – Bidding – Purchasing Requirements