

BOARD POLICY

No. 3330

3000 BUSINESS

3330 Purchasing

COMPETITIVE BIDDING PROCESS

1. Purchases Requiring Competitive Bidding Process (\$25,000 or More)

Purchases of goods or general services, including high technology equipment, expected to involve an expenditure of \$25,000 or more must be made by sealed competitive bid. As set forth below, such purchases in the amount less than \$24,999 may be awarded by the Superintendent of Schools or his/her designee. Such purchases in the amount of \$25,999 or more must be awarded by the Board.

General Services include all services which result in a measurable end product that can be defined by bid specifications and all services used in the process of building or altering property (excluding architectural, engineering and other design services).

2. Bid Specifications

When competitive bidding is required, all requirements, terms and conditions describing and detailing the goods or general services to be purchased must be included in the bid specifications. The bid specifications should define the requirements for quality of materials, equipment and/or services to be procured and, as such, they should clearly and accurately reflect the required characteristics of the goods and services. The bid specifications should also include any vendor or contractor qualification requirements, a school district contact person responsible for all communications with prospective bidders, a requirement that all communications between the school district contact person and prospective bidders be in writing and, if the purchase will require entering into a contract, a draft contract whenever possible.

The Superintendent of Schools or his/her designee shall develop the proposed bid specifications and other bid documents.

3. Advertising

A legal notice inviting sealed bids shall be published by the Superintendent of Schools or his/her designee at least once in a daily newspaper in the Town of Andover, Hebron, and Marlborough. At least five (5) calendar days must intervene between the date of the last newspaper publication and the final date for submitting bids. The notice shall contain a general description of the goods or services being bid, the school district contact person and the day, hour and place of the bid opening and may contain other information related to the bid including, but not limited to, where and when bid packages may be obtained.

4. Bid Openings and Awards

BOARD POLICY

No. 3330
(Page 2)

All bids, and bid security if applicable, must be submitted to the Superintendent of Schools or his/her designee in sealed envelopes and show on the face of the envelopes the bid number, the title of the bid and the bidder's name. All envelopes will be date stamped as received.

All bids shall be opened in public and read aloud at the time stated in the legal notice. No bids shall be accepted, or opened, that were not submitted in compliance with the procedures set forth in the notice advertising the bid.

Within a reasonable time following the bid opening, the Superintendent of Schools or his/her designee will tabulate and analyze the bids. For contracts of at least \$10,000, but less than \$24,999, the Superintendent shall, subject to the right of rejection, award the bid to the Lowest Responsible Qualified Bidders, as defined below. For contracts of \$25,000 or more, the Board shall, subject to the right of rejection, award the bid to the Lowest Responsible Qualified Bidders, as defined below.

A record of all bids submitted, giving the names of the bidders, the amounts of the bids and indicating the successful bidder, shall be preserved by the Superintendent of Schools or his/her designee in accordance with State law.

5. Bid Security

When, in the judgment of the Superintendent of Schools or his/her designee, bid security is advisable, all bids must be accompanied by security in one of the following forms - certified check, cashier's check, personal money order, letter of credit or bid bond. The requirement for and the amount of the security must be set forth in the bid advertisement. All security presented must show the "Regional School District No. 8 Board of Education" as the payee.

6. Requirements Governing Bid Awards

The award shall be made to the bidder whose bid meets the requirements, terms and conditions contained in the bid specifications and is the lowest among those bidders possessing the skill, ability and integrity necessary for faithful performance of the work based on objective criteria considering past performance and financial responsibility (The "Lowest Responsible Qualified Bidder").

In determining the Lowest Responsible Qualified Bidder, the following criteria will be considered, as applicable:

- (a) The ability and capacity of the bidder to perform the work based on an evaluation of the character, integrity, reputation and experience of the bidder. Consideration shall be given to previous work performed by the bidder for the Board or for other agencies, including the quality and degree of satisfaction with the work performed.
- (b) The financial resources of the bidder and the bidder's ability to secure any required bonds and/or insurance.

BOARD POLICY

No. 3330
(Page 3)

- (c) Compliance by the bidder with all applicable federal, state and local laws, including any licensing requirements.
- (d) Delivery or completion time.
- (e) Cost.
- (f) Involvement in litigation.

Should a situation arise where it is impossible to distinguish between two bidders to identify the Lowest Responsible Qualified Bidder, and one of the bidders has its principal place of business located within the Town of Andover, Hebron, and or Marlborough, the award will be made to the local bidder.

7. Rejection of Bids

The Superintendent of Schools or his/her designee has the right to reject any and all bids in whole or in part. Any or all bids may be rejected if there is any reason to believe that collusion exists among the bidders. Individual bids may be rejected for irregularities of any kind, including, without limitation, alteration of form, additions not called for, conditional bids, incomplete bids and unexplained erasures. The Superintendent of Schools or his/her designee retains the right to waive any formality or procedural irregularities in the bids received. Nothing in this Section should be construed to limit in any way the right of the Superintendent of Schools or his/her designee to reject any and all bids.

8. Advisement of Bid Award

Upon acceptance of the Lowest Responsible Qualified Bidder, a letter will be sent to the successful bidder(s) announcing the award of the bid. All unsuccessful bidders will be sent a letter notifying them that they were not selected.

COMPETITIVE QUOTATION PROCESS

1. Purchases Requiring Competitive Quotation Process

Price quotations should be requested for all purchases of goods or general services, including high technology equipment, expected to involve an expenditure of at least \$10,000 but less than \$24,999. Purchases of goods or services which involve an expenditure of less than \$10,000 may be made directly, without regard to any competitive bid or quotation process. Waivers from the quotation process are available for the same reasons that Waivers are available from the bidding process. (See Section WAIVERS, page 6 of policy).

2. Process for Obtaining Quotations

Generally quotations, either oral or written, should be solicited by the Superintendent of Schools or his/her designee from at least three (3) vendors or obtained from current catalogues or price sheets.

BOARD POLICY

No. 3330
(Page 4)

The refusal of an otherwise valid supplier to quote shall qualify as a quotation. The quotation process does not require a public opening, and the Superintendent of Schools or his/her designee may send requests to a limited number of selected vendors. However, vendors must furnish all of the necessary information to the Superintendent of Schools or his/her designee by the specified date.

The purchase shall be awarded to the provider whose proposal is deemed to best provide the goods and/or services desired, taking into account the cost and the project requirements.

COMPETITIVE PROPOSAL PROCESS FOR SPECIAL OR PROFESSIONAL SERVICES

1. Purchases Requiring Competitive Proposal Process

Purchases of special or professional services may be made by competitive proposal should the situation warrant if the purchase exceeds the monetary thresholds set forth below. Special or professional services involve the furnishing of judgment, expertise, advice or effort by persons other than Board employees, and not involving the delivery of a specific end product that is defined by bid specifications. Examples of professional services include, but are not limited to, in-service instructional leaders, pupil services, special education evaluations, interpreters, tutors, computer programmers, architects, auditors, attorneys, and temporary agencies. Examples of special services include, but are not limited to, repair services for Board property, equipment and vehicles where the nature of the repair cannot be defined in advance by bid specifications and the professional expertise of the service provider is critical. Waivers from the proposal process are available for the same reasons that Waivers are available from the bidding process. (See WAIVERS) Funds must be available in the proper account in order to begin development of a Request for Proposals ("RFP").

Purchases of special or professional services that are expected to be less than \$24,999 shall be made directly by the Superintendent of Schools or his/her designee, without regard to a competitive proposal process.

2. Informal Competitive Proposal Process (\$10,000 - \$24,999)

Purchases of special or professional services for at least \$10,000 but less than \$24,999 shall be based upon a reasonable and documented attempt to solicit proposals. Where possible, proposals should be solicited from at least three (3) potential service providers. The refusal to submit a proposal from an otherwise valid provider shall qualify as a proposal. The process shall be documented in writing by the Superintendent of Schools or his/her designee. If a single reasonable source exists for the service, this fact shall be documented in writing.

An evaluation of the proposals received will be made by the Superintendent of Schools or his/her designee. The Superintendent of Schools or his/her designee shall award the contract to the service provider whose proposal is deemed to best provide the services desired, taking into account cost and the project requirements.

BOARD POLICY

**No. 3330
(Page 5)**

A record of all proposals submitted, giving the names of the service providers, the amount of the proposal and indicating the successful provider, shall be preserved by the Superintendent of Schools or his/her designee in accordance with State law.

3. Formal Competitive Proposal Process (\$25,000 or more)

Request for Proposals for purchases of special or professional services for \$25,000 or more shall be prepared by the Superintendent of Schools or his/her designee. All requirements, terms and conditions, including provider qualifications, should be included in the RFP, as well as a draft contract whenever possible. The award of any such contracts for \$25,000 or more shall be approved by the Board.

The Superintendent of Schools or his/her designee will arrange to have a legal notice requesting proposals published in a local newspaper at least ten (10) business days prior to the deadline for submitting proposals. Whenever the Superintendent of Schools or his/her designee determines that the service requested is so specialized that few appropriate providers can reasonably be expected to respond to the notice, the Superintendent of Schools may substitute another means of notifying potential providers of the RFP in lieu of such newspaper notice. Any advertisement or other notice of the RFP shall include the general description of the services sought and the location where RFPs may be obtained.

Where possible, proposals should be solicited from at least three (3) potential service providers. The refusal to submit a proposal from an otherwise valid provider shall qualify as a proposal. The process shall be documented in writing by the Superintendent of Schools or his/her designee. If a single reasonable source exists for the service, this fact shall be documented in writing.

An evaluation of the proposals will be made by the Superintendent of Schools or his/her designee. The contract shall be awarded to the service provider whose proposal is deemed to best provide the services desired, taking into account the cost and the requirements, terms and conditions contained in the RFP.

A record of all proposals submitted, giving the names of the service providers, the amount of the proposal and indicating the successful provider, shall be preserved by the Superintendent of Schools or his/her designee in accordance with State law.

THIS POLICY WILL NOT APPLY TO THE FOLLOWING CIRCUMSTANCES:

1. Professional Services: Professional services shall be exempt from the purchasing guidelines and are defined as being services which meet the following tests:
 - a. Work Requiring knowledge of an advanced type of field of science or learning, including but not limited to engineers, architects, appraisers, attorneys, auditors, medical services, or;
 - b. Work that is original and creative in character in a recognized field or artistic endeavor and the result of which depends on a person's invention, imagination or talent, or;
 - c. Work as a certified teacher or trainer.

BOARD POLICY

No. 3330
(Page 6)

Depending on the scope of the project the Superintendent may require that the designated project manager develop RFP specifications so that multiple proposals for a professional services contract are evaluated on a somewhat competitive, albeit a subjective basis.

2. Cooperative Purchasing: This policy will not apply when goods or services are acquired through cooperative purchasing agreements. Primary examples shall include State Contracts, local and regional bids and cooperative bids including but not limited to the Capitol Region Purchasing Council, CREC, CCM, and EASTCONN.
3. Emergencies: Inevitably there are emergencies when normal procedures must be suspended to ensure the timely delivery of goods or services. The Superintendent or his/her designee shall be empowered to suspend the normal procedures during an emergency situation when public safety is at risk.
4. Recurring Expenditures: Recurring expenditures such as utility bills, service maintenance contracts, and professional development costs shall be exempt from the Policy provisions.
5. Single Source: Those items having a single source supply.
6. On-Line Reverse Auctions pursuant to State Public Act 08-141 approved June 5, 2008.
7. Purchase made through Local, State, or Federal surplus agencies.

WAIVERS BY SUPERINTENDENT

In certain situations the bidding, quotation and proposal processes described above may be waived even though the estimated cost exceeds the dollar threshold established by the Board. The formal processes may be waived for any of the following reasons:

1. Only one (1) reasonable or qualified source can be identified. This shall include situations such as the purchase of copyrighted materials and textbooks.
2. Services of attorneys, physicians, architects, or other persons prohibited by the rules of the profession governing the offer of their services are exempt.
3. Time is a critical factor, and taking the time necessary to comply with the formal process would not be in the best interests of the school district.
4. In the opinion of the Superintendent of Schools or his/her designee, an emergency requires the purchase of goods or services to avoid injury or damage to human life or property.
5. A special source, including but not limited to a sale, purchasing plan, government discount or trade-in allowance, will supply a lower cost than that which would result from a bid process.

BOARD POLICY

No. 3330
(Page 7)

6. A formal process would result in substantially higher costs to the school district, or inefficient use of personnel, or cause substantial disruption of school district operations.
7. Prices of goods or services are subject to specific federal or state competitive bidding requirements, including, but not limited to, “school building projects” as defined in the Connecticut General Statutes.
8. Any purchase or contract to purchase made in conjunction with a consortium of municipalities/Boards of Education organized to maximize the purchasing power of the member municipalities/Boards of Education.
9. State Contracts

For a requesting administrator to obtain a Waiver, the requesting administrator must make a written request to the Superintendent of Schools or his/her designee. The Waiver must bear the signature of the requesting administrator and state the reason(s) for requesting the Waiver. Upon receipt of such request, the Superintendent of Schools or his/her designee will promptly notify the requesting administrator if such Waiver has been granted.

In addition, the Superintendent of Schools or his/her designee, in his/her sole determination, may grant a Waiver for any of the above-listed reasons. Upon granting such a Waiver, the Superintendent of Schools or his/her designee must, in writing, state the reason(s) for granting such Waiver. The Superintendent of Schools will notify the Board of any waivers granted at their next regular meeting.

-
APPROVED: October, 1998
REVISED: March, 2007
REVISED: November, 2009
REVISED: November, 2011
REVISED: June, 2012
REVISED: September, 2012
REVISED: June, 2015