

POLICY DJ - BIDDING/PURCHASING REQUIREMENTS

The West Bath School Administrative Unit (WBSAU) 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.

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.

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.

1. Bidding Required by Law

Maine law requires the Committee to competitively bid property and casualty insurance; school bus and transportation contracts in excess of \$4,000; school building construction, alterations and repairs over \$25,000 (except contracts for professional architectural and engineering services); and bond anticipation notes for state-subsidized school construction projects.

2. Competitive 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 \$10,000.00 provided that it is practical and cost-effective as determined by the Superintendent, in consultation with the WBSAU Finance Committee, to specify the materials or services with sufficient particularity to allow meaningful comparison of bids. If it is deemed to be impractical to competitively bid, the WBSAU will implement the RFP process.

For purchases below \$10,000 in value, the decision to competitively bid or RFP the purchase shall be that of the Superintendent in consultation with the WBSAU Finance Committee. If competitive bidding is not utilized, the Superintendent or his/her designee(s) shall seek Requests for Proposals (RFP) for purchases when it is deemed practical and cost effective to do so. 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.

For purchases not appropriate for the competitive bidding or the RFP process it shall be the practice of the school unit to obtain multiple written quotes (preferably three or more vendors), when it is practical and cost effective to do so, as determined by the Superintendent. The unit, at the Superintendent's discretion may forego this process when quality, expertise, time factors, vendor availability or other important considerations outweigh the possible benefits.

3. 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. Whenever possible or practical local contractors will be invited to bid.

4. Bid Procedures

1. 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.
2. **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.
3. **Time of opening:** No bids shall be opened prior to the appointed time.
4. **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 by any School Board member designated for the purpose by the Chair of the School Board.
5. **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.
6. In general, the School Board will award contracts to the lowest bidder which the Superintendent and School Board deem can satisfactorily fulfill the contract.

5. RFP Procedures

1. 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.
2. 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 (ALL)
20-A MRSA §§ 1001(14), 5401(13)(D); 5402 (ALL)
20-A MRSA § 1314 (MSAD)
Me. DOE Rules, Ch. 61 (Rules for School Construction Projects)
(ALL)

First Reading: 08/17/15
Second Reading: 09/02/15
Adoption: 09/02/15