

RSU #63

- a. **NEPN/NSBA Code:** DJ
- b. **Title:** Purchasing
- c. **Author:** Board of Directors
- d. **Replaces Policy:**
- e. **Date Previously Approved:** 02/23/2015
- f. **Date Approved:** 08/28/2017 RSU #63
- g. **Policy Expiration:** Review as Needed
- h. **Responsible for Review:** Superintendent/Budget & Finance Committee/Policy Committee
- i. **Date Reviewed:** 07/26/2017 Superintendent
07/26/2017 Budget & Finance Committee
08/07/2017 Policy Committee
- j. **References:** 5 MRSA § 1743-A (ALL); 20-A MRSA §§ 1001(14), 5401(13)(D); (ALL); 20-A MRSA § 1314 (MSAD; ME DOE Rules, Ch. 61 (Rules for School Construction Projects (ALL))

k. Narrative:

The RSU 63 School Board (the Board) recognizes that school district (district), by necessity, in the course of their operations must purchase many items and services. These purchases must be consistent with applicable laws and sound business practices. Therefore, the Board designates the Superintendent to 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 district. It does not afford any vendor any property or contractual rights against the district. No vendor will have enforceable rights against the district based upon this policy or alleged violations of this policy. No vendor will have any rights against the district until such time as a written contract between the vendor and the district is executed by the vendor and an authorized representative of the district.

I. 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; school building construction, alterations, and repairs over \$250,000 (except contracts for professional architectural and engineering services); and bond anticipation notes for state-subsidized school construction projects.

- II. It is the district's policy to publicly advertise any Request for Proposal (RFP) expected to exceed ten thousand (\$10,000.00) dollars. An RFP identifies the need the school 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.

III. Competitive Bidding of Other Purchases

Where bidding is not required by law, it shall be the policy of the school district to solicit competitively bid purchases of equipment, supplies, materials, or services over ten thousand (\$10,000) dollars, provided 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 RFPs.

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

III. Bid Procedures

- A. The notification will specify the deadline and manner for submitting bids and the time and place of bid opening. Depending on the nature of the goods or services being competitively bid, the requesting department head (e.g. Principal, Technology Director, Director of Special Services, Director of Transportation/Facilities, etc.) may provide a Bid Cover Sheet identifying various specifications or the project name or number which the bidding vendors will be required to complete and submit along with their bid. Bid alternates will be permitted at the discretion of the Superintendent. The notice will reserve the right of the district to reject any and all bids, and to waive technical or immaterial non-conformities in bids if in the best interest of the district, and to exercise judgment in evaluating bids.
- B. **Written Bids.** Bids will be in writing, sealed within an outside envelope or wrapper plainly marked "Bid, not to be opened until (insert appropriate date)," and mailed or filed with the Superintendent of the school district.
- C. **Time of Opening.** A School Board member or employee of the district may not open a bid until the appointed time.
- D. **Public Opening.** At the time and place stated in the publically advertised notice, and in a meeting that will be open to the public, all bids will be opened by the Superintendent or, in the Superintendent's absence or disability, by any Board member designated for the purpose by the Board Chair.
- E. **Reading.** If any citizens who are not Board members or employees of the district or if any representative of the press are present, bids will, at that time, either be made available for examination by those interested parties, or will be read aloud in a manner to be heard plainly by those in attendance.

IV. Sole Source

On occasion, there may be certain items or services for which only one vendor can (or will) be used. For example, if a class or building has a standardized technology system, it

would not be advantageous to seek bids from manufacturers who do not produce components of that system. Likewise, a certain product or line may be clearly superior to others and the faculty/staff/department head may believe this is the only brand that is acceptable. In this case, a “sole source” purchase is permissible. Sole source purchase may only be authorized by the Superintendent or his/her designee.

V. Awarding of Bid

- A.** The district reserves the right to reject any or all bids or quotes and any part(s) thereof.
- B.** The district may accept that bid or quote which appears to be in the best interest of the district.
- C.** All contracts or awarding of bids of ten thousand dollars (\$10,000.00) or more will be approved by the district’s Board. The awarding of contracts/bids in the amount of \$0 to \$9,999.00 dollars shall be delegated to the Superintendent.
- D.** Successful bidders may be required to enter into a written contract with the district.

VI. Local Purchasing

- A.** Local purchasing will be favored whenever the following factors are equal between local and non-local vendors:
 - 1.** Quality of product or service to the district,
 - 2.** Suitability of product,
 - 3.** Price,
 - 4.** Convenience of delivery,
 - 5.** General reputation and performance of the provider to deliver products and/or complete the service requested, or the service after the purchase, and/or
 - 6.** Conformity and warrantee of the product or service with the specifications requested in the bid.
- B.** In case of a tie bid, the vendors shall be asked to re-bid.