



CONSOLIDATED SCHOOL DISTRICT OF NEW BRITAIN

Board Policy Statement

3324.00 – Bids, Quotations and Purchase Orders

Approved on May 16, 2016 | Revised on June 1, 2020

I. Definitions

- A. Quotation:** A notice, either oral or in writing, whereby a vendor informs the purchaser of the conditions and price under which he/she will furnish supplies, materials, equipment, or services to the purchaser.
- B. Bid:** A notice, in writing in a sealed envelope, delivered to the buyer by a specified date, to be opened in public at a specified date and time by the buyer, whereby a vendor informs the buyer of the conditions and price under which he/she will furnish supplies, materials or equipment. Technical assistance will be provided by the requestor, where applicable, to the Business Manager who has the final responsibility for determining the vendor/price.

II. Procedures

A. Purchases for more than \$5,000 but less than \$7,500

The School/Department, if the nature of the commodity or service permits effective competitive pricing and if possible, feasible, and to the advantage of the district, should solicit quotations from at least three (3) companies. The Superintendent of Schools or designee may award bids and/or quotes up to \$7,500 and s/he may reject any or all such bids.

B. Purchases for \$7,500 and above

Purchases for \$7,500 or more shall be bid. Bids shall be advertised if deemed appropriate by the Superintendent or his/her designee. If a bid is not advertised, a vendor list will be utilized. All bids must be submitted in sealed envelopes and marked appropriately on the outside of the envelope. Bids shall be opened at the time specified. Bid openings shall be public. The Board of Education reserves the right to reject any or all bids, and reserves the right to waive the bidding procedure. The Board of Education shall award all other bids upon receiving recommendations and bid results from the Superintendent.

C. Vehicle Purchase/Replacement Policy

- a. **New** - New vehicles will be purchased within the framework of this policy.
- b. **Used** - Used vehicles shall be purchased from authorized dealers only. The purchase of a used vehicle from private individuals is prohibited. An independent appraisal may be required in addition to the Blue Book Value to determine the value of the vehicle. A vehicle which is more than 7 years old may not be considered for purchase unless it is determined to be in the best interest of the district. State of Connecticut bid awards are an acceptable means of purchasing a used vehicle. The process for awarding a contract on a state bid will be

consistent with other bid awards.

D. Emergency Situation

The Board of Education recognizes that emergency situations may arise which affect the health, welfare and/or safety of students and/or staff. In an emergency situation, the procedures of sections A and B may be suspended for the emergency only. The decision as to whether a given situation is an emergency situation shall be made by the Superintendent and a report will be given to the Board of Education within a two week period of time detailing the emergency, why the policy was suspended and the amount of funds expended and to whom.

The Superintendent of Schools may provide temporary special education transportation pending completion of the bidding process. Such temporary arrangements shall not exceed 30 days without Board of Education approval.

E. Bid Waivers

Bid procedures may be waived without Board approval for the following:

- a. Purchases where only one supplier exists
- b. Architectural services
- c. Legal services
- d. Services requiring specific expertise (consultants, specialists, clinicians) where there are not several providers offering similar services
- e. Textbook purchases or other curricular materials used in place of traditional textbooks (such as electronic programs, online resources)

A report of purchases made in accordance with the above list shall be made each month to the board and include the following information: a description of the purchase order items or services, the amount of the total purchase, the reason (from the above list) a Board approved bid waiver was not required, and the funding source for the purchase.

Bid procedures may be waived for any other purchase order by an affirmative vote of the Board of Education.

F. Bid Substitution

In lieu of sealed bids, the School District may purchase items included in open State contracts available for use by the district via the State Department of Administrative Services.

G. Purchase Orders

In addition to the requirements listed above, the Board of Education must approve all purchase orders in excess of \$15,000. Any such purchase orders shall be presented to Board of Education with the required quotations or bids. In the case that the purchase falls under an exception listed in Section E of this policy, the purchase order will clearly include which bid exception applies.

The Board recognizes that certain situations regarding the health and welfare of students may arise, requiring an emergency purchase order in excess of \$15,000. In these cases, where it is not possible for the Board to meet to approve such a purchase order, the Superintendent in consultation with the Board

President, shall inform the Board of this need immediately and shall present a detailed report regarding any such expenditure at the next regular Board meeting.

III. Purchases Directly Charged to A Federal Award

To the extent that its requirements are not already included in this Policy, the District will comply with the Uniform Administrative Requirements, Cost Principles and Audit Requirements for Federal Awards, 2 C.F.R. Part 200, ("Uniform Guidance") when making purchases directly charged to a federal award. The District's contracts with respect to these purchases will contain the applicable provisions set forth in Appendix II to Part 200, Contract Provisions for Non-Federal Entity Contracts Under Federal Awards.

As required by the Uniform Guidance, the below provisions apply only to procurements for goods and services that are directly charged to a federal award and are to be applied in addition to all other provisions set forth above in this Policy. The below provisions do not apply to indirect costs.

Purchases involving federal funds shall comply with C.F.R. Sections 200.318. – 200.326

A. General Procurement Standards

- a. The District will maintain oversight to ensure that contractors perform in accordance with the terms, conditions, and specifications of their contracts or purchase orders.
- b. The District will maintain written standards of conduct covering conflicts of interest and governing the actions of its employees engaged in the selection, award and administration of contracts. No employee, officer, or agent may participate in the selection, award, or administration of a contract supported by a Federal award if he or she has a real or apparent conflict of interest. A conflict of interest would arise when the employee, officer, or agent, any member of his or her immediate family, his or her partner, or an organization that employs or is about to employ any of the parties indicated herein, has a financial or other interest in or a tangible personal benefit from a firm considered for a contract. The officers, employees, and agents of the District may neither solicit nor accept gratuities, favors, or anything of monetary value from contractors or parties to subcontracts. However, the District may set standards for situations in which the financial interest is not substantial or the gift is an unsolicited item of nominal value. The standards of conduct will provide for the possibility of disciplinary action for violations of such standards by officers, employees, or agents of the District.
- c. The District's procedures will avoid acquisition of unnecessary or duplicative items. Consideration should be given to consolidating or breaking out procurements to obtain a more economical purchase. Where appropriate, an analysis will be made of lease versus purchase alternatives, and any other appropriate analysis to determine the most economical approach.
- d. The District will maintain records sufficient to detail the history of procurement. These records will include, but are not necessarily limited, to the following: rationale for the method of procurement, selection of contract type, contractor selection or rejection, and the basis for the contract price.
- e. The District may use a "time and materials type contract" only after it determines that no other contract is suitable and provided that the contract includes a ceiling price that the contractor exceeds at its own risk. "Time and materials type contract" means a contract for which the cost to the District is the sum of:
 - i. The actual cost of materials; and

- ii. Direct labor hours charged at fixed hourly rates that reflect wages, general and administrative expenses, and profit.

Since this formula generates an open-ended contract price, a time-and materials contract provides no positive profit incentive to the contractor for cost control or labor efficiency. Therefore, each contract will set a ceiling price that the contractor exceeds at its own risk. Further, the District will assert a high degree of oversight in order to obtain reasonable assurance that the contractor is using efficient methods and effective cost controls.

- f. The District alone will be responsible, in accordance with good administrative practice and sound business judgment, for the settlement of all contractual and administrative issues arising out of procurements. These issues include, but are not limited to, source evaluation, protests, disputes and claims. These standards do not relieve the District of any contractual responsibilities pursuant to its contracts. The Federal awarding agency will not substitute its judgment for that of the District unless the matter is primarily a Federal concern. Violations of law will be referred to the local, state, or Federal authority with proper jurisdiction.

B. COMPETITION

- a. All procurement transactions will be conducted in a manner providing full and open competition consistent with the standards of this policy and applicable law. In order to ensure objective contractor performance and eliminate unfair competitive advantage, contractors that develop or draft specifications, requirements, statements of work, or invitations for bids or requests for proposals will be excluded from competing for those procurements. Some of the situations considered to be restrictive of competition include, but are not limited to:
 - i. Placing unreasonable requirements on firms in order for them to qualify to do business;
 - ii. Requiring unnecessary experience and excessive bonding;
 - iii. Noncompetitive pricing practices between firms or between affiliated companies;
 - iv. Noncompetitive contracts to consultants that are on retainer contracts;
 - v. Organizational conflicts of interest;
 - vi. Specifying only a "brand name" product instead of allowing "an equal" product to be offered and describing the performance or other relevant requirements of the procurement; and
 - vii. Any arbitrary action in the procurement process.
- b. The District will conduct procurements in a manner that prohibits the use of statutorily or administratively imposed state, local, or tribal geographical preferences in the evaluation of bids or proposals, except in those cases where applicable Federal statutes expressly mandate or encourage geographic preference. Nothing in this section preempts state licensing laws. When contracting for architectural and engineering (A/E) services, geographic location may be a selection criterion provided its application leaves an appropriate number of qualified firms, given the nature and size of the project, to compete for the contract.
- c. The District will have written procedures for procurement transactions. These procedures will ensure that all solicitations:
 - i. Incorporate a clear and accurate description of the technical requirements for the material, product, or service to be procured. Such description will not, in competitive

procurements, contain features that unduly restrict competition. The description may include a statement of the qualitative nature of the material, product or service to be procured and, when necessary, will set forth those minimum essential characteristics and standards to which it will conform if it is to satisfy its intended use. Detailed product specifications should be avoided if at all possible. When it is impractical or uneconomical to make a clear and accurate description of the technical requirements, a "brand name or equivalent" description may be used as a means to define the performance or other salient requirements of procurement. The specific features of the named brand which will be met by offers will be clearly stated; and

- ii. Identify all requirements which the offerors will fulfill and all other factors to be used in evaluating bids or proposals.
- d. The District will ensure that all prequalified lists of persons, firms, or products that are used in acquiring goods and services are current and include enough qualified sources to ensure maximum open and free competition. Also, the District will not preclude potential bidders from qualifying during the solicitation period.

C. Contracting with Small and Minority Businesses and Women's Business Enterprises

- a. The District will take all necessary affirmative steps to assure that minority businesses and women's business enterprises are used when possible.
- b. Affirmative steps will include:
 - i. Placing qualified small and minority businesses and women's business enterprises on solicitation lists;
 - ii. Assuring that small and minority businesses, and women's business enterprises are solicited whenever they are potential sources;
 - iii. Dividing total requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation by small and minority businesses and women's business enterprises;
 - iv. Establishing delivery schedules, where the requirement permits, which encourage participation by small and minority businesses and women's business enterprises;
 - v. Using the services and assistance, as appropriate, of such organizations as the Small Business Administration and the Minority Business Development Agency of the Department of Commerce; and
 - vi. Requiring the prime contractor, if subcontracts are to be let, to take the affirmative steps listed in paragraphs (1) through (5) of this section.

D. Federal Awarding Agency or Pass-Through Entity Review

- a. The District will make available, upon request of the Federal awarding agency or pass-through entity, technical specifications on proposed procurements where the Federal awarding agency or pass-through entity believes that review is needed to ensure that the item or service specified is the one

being proposed for acquisition. This review generally will take place prior to the time the specification is incorporated into a solicitation document. However, if the District desires to have the review accomplished after a solicitation has been developed, the Federal awarding agency or pass-through entity may still review the specifications, with the review usually limited to the technical aspects of the proposed purchase.

- b. The District will make available upon request, for the Federal awarding agency or pass-through entity pre-procurement review, procurement documents (for example, requests for proposals or invitations for bids, or independent cost estimates).
- c. The District is exempt from the pre-procurement review in paragraph (b) above if the Federal awarding agency or pass-through entity determines that its procurement systems comply with the standards of the Uniform Guidance.
 - i. The District may request that its procurement system be reviewed by the Federal awarding agency or pass-through entity to determine whether its system meets these standards in order for its system to be certified. Generally, these reviews will occur where there is continuous high-dollar funding, and third party contracts are awarded on a regular basis;
 - ii. The District may self-certify its procurement system. Such self-certification will not limit the Federal awarding agency's right to survey the system. Under a self-certification procedure, the Federal awarding agency may rely on written assurances from the District that it is complying with these standards. The District will cite specific policies, procedures, regulations or standards as being in compliance with these requirements and have its system available for review.