

CODE: DJ

BIDDING/PURCHASING REQUIREMENTS

The School Committee expects all purchases made by the Kittery School Department 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 as a 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 Kittery School Department based upon this policy or alleged violations of this policy. No vendor shall have any rights against the Kittery School Department until such time as a written contract between the vendor and the Kittery School Department is executed by the vendor and an authorized representative of the Kittery School Department.

A. Bidding Required by Law

Maine law requires the School 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 \$100,000 (except contracts for professional architectural and engineering services); and bond anticipation notes for state-subsidized school construction projects.

B. Competitive Bidding of Other Purchases

Where bidding is not required by law, it shall be the policy of the Kittery School Department to competitively bid purchases of equipment, supplies, materials or services over \$10,000 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 \$5,000. An RFP identifies the need the Kittery School Department 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 Committee 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 Kittery School Department 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.

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 Kittery School Department to reject any or all bids, and to waive technical or immaterial non-conformities in bids if in the best interest of the school department, 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 Schools.
- C. **Time of opening.** A School Committee member or employee of the school department 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 Committee member designated for the purpose by the Chair of the School Committee.
- E. **Reading.** If any citizens who are not School Committee 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 Committee will award contracts to the lowest bidder whom the Superintendent and School Committee deem can satisfactorily fulfill the contract.

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.

- 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 Committee deem best able to meet the requirements of the Kittery School Department
- C. A bidder or respondent to a request for a proposal (RFP) may protest a procurement or contract award if he/she believes that it was made in a manner inconsistent with School Committee policy, specifications, or law or regulations. A protest must be submitted to the Superintendent in writing within five business days after receipt of notification of the award being made, with all documents supporting the protest.

The Superintendent shall review the protest and supporting documents and render a decision in writing within 20 business days of receipt of the protest. The Superintendent may also convene a meeting with the bidder or respondent to attempt to resolve the problem.

Legal Reference: 5 MRSA § 1743-A
20-A MRSA §§ 1001(14), 5401(13)(D); 5402
§ 13 c (Maine State School Committee of Education Rules for School Construction Projects)

Adopted: September 3, 1996

Revised: May 17, 2011