

BIDDING/PURCHASING REQUIREMENTS

The Board expects all purchases made by MSAD 55 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 MSAD 55. It does not afford any vendor any property or contractual rights against MSAD 55. No vendor shall have any enforceable rights against MSAD 55 based upon this policy or alleged violations of this policy. No vendor shall have any rights against MSAD 55 until such time as a written contract between the vendor and MSAD 55 is executed by the vendor and an authorized representative of MSAD 55.

A. 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 \$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 MSAD 55 to competitively bid purchases of equipment, supplies, materials or services over \$100,000 provided that it is practical and cost-effective (as determined by the Superintendent in consultation with the Business Manager and Board Chair) 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 District will implement the Requests for Proposals (RFP)/ Quotes process.

If competitive bidding is not utilized, the Superintendent shall seek Requests for Proposals (RFP)/quotes for purchases between \$10,000 and \$100,000. An RFP/quote identifies the need MSAD 55 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/quote process only when he/she determines that quality, expertise, time factors, or other important considerations outweigh the possible benefits of bidding or requesting proposals.

The Superintendent/designee shall not be required to seek Requests for Proposals (RFP)/quotes for purchases under \$10,000 unless it is deemed practical and cost effective to do so, as determined by the Superintendent and Business Manager.

C. Procedures for Bidding and Requesting Proposals

The method of notification that MSAD 55 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.**

Bid Procedures

- A. **Notification.** The notification shall specify the deadline for submitting bids and the time and place of bid opening. The notice shall reserve the right of MSAD 55 to reject any or all bids, and to waive technical or immaterial non-conformities in bids if in the best interest of MSAD 55, 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 time and date),” and mailed or filed with the Superintendent of MSAD 55 at the Administrative Office located at 137 South Hiram Road, Hiram, ME 04041.
- C. **Time of opening.** A bid may not be opened 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 the Business Manager and Board Chair.
- E. **Reading.** If any citizens who are not Board members or employees of MSAD 55 or 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. When the competitive bid process is utilized, the Superintendent shall award contracts to the lowest responsible bidder which can satisfactorily fulfill the contract. The Board shall approve all contracts as per Section A Bidding Required by Law.

RFP Procedures

- A. RFP Proposals should be submitted in plain envelopes clearly marked “Proposal, not to be opened until (state time and date),” and no proposals shall be opened before that time. Public opening is not required.
- B. RFP 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 deems best able to meet the requirements of MSAD 55.

Legal Reference: 5 MRSA § 1743-A (ALL)
20-A MRSA §§ 1001(14), 5401(13)(D); 5402 (ALL)
20-A MRSA § 1314 (MSAD)
§ 13 c (Maine State Board of Education Rules for School Construction Projects) (ALL)

Adopted: November 5, 2008
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