

PURCHASING

I. REQUIREMENTS APPLICABLE TO PURCHASES OF ALL GOODS AND SERVICES

A. Definition

For the purposes of this policy:

1. “Goods or service” includes, but is not limited to, portable classrooms, motor vehicles or materials and equipment, such as telephone systems, computers and copy machines.
2. “General services” include all services which result in a measurable end product that can be defined by bid specifications and all services used in the process of building or altering property (excluding architectural, engineering and other design services).
3. “Property” means real property or personal property

B. Consultation with Municipality Regarding Contracts for Goods or Services, Including Insurance and Payroll Software

After going out to bid for a good or service and receiving submissions, if the local municipality uses such good or service, the Rocky Hill Board of Education (the “Board”) shall consult with the legislative body of the municipality, and, if the equivalent level of such good or service is provided by the municipality through a municipal contract for a lower cost than the lowest qualified bid submission received by the Board, the Board will consider a cooperative agreement with the local municipality for the provision of such good or service.

Further, the Board will consult with the local municipality’s legislative body, prior to purchasing payroll processing or accounts payable software systems to determine whether such systems may be purchased or shared on a regional basis.

When possible, the Board will consult with the local municipality’s legislative body regarding the joint purchasing of property insurance, casualty insurance, and workers’ compensation insurance.

II. COMPETITIVE BIDDING PROCESS

A. Purchases Requiring Competitive Bidding Process

Purchases of goods or general services, including high technology equipment, expected to involve an expenditure of \$25,000 or more must be made by sealed competitive bid. As set forth below, such purchases may be awarded by the Superintendent or his/her designee.

B. Bid Specifications

When competitive bidding is required, all requirements, terms and conditions describing and detailing the goods or general services to be purchased must be included in the bid specifications. The bid specifications should define the requirements for quality of materials, equipment and/or services to be procured, and as such, they should clearly and accurately reflect the required characteristics of the goods and services. The bid specifications should also include any vendor or contractor qualification requirements, a school district contact person responsible for all communications with prospective bidders, a requirement that all communications between the school district contact person and prospective bidders be in writing and, if the purchase will require entering into a contract, a draft contract whenever possible.

The Superintendent of Schools or his/her designee shall develop the proposed bid specifications and other bid documents.

C. Advertising

A legal notice inviting sealed bids shall be published by the Superintendent of Schools or his/her designee at least once in a daily newspaper in the local municipality and on the Board's website. At least five (5) calendar days must intervene between the date of the last newspaper or website publication and the final date for submitting bids. The notice shall contain a general description of the goods or services being bid, the school district contact person and the day, hour and place of the bid opening and may contain other information relating to the bid including, but not limited to, where and when bid packages may be obtained.

D. Bid Openings and Awards

All bids, and bid security if applicable, must be submitted to the Superintendent of Schools or his/her designee in sealed envelopes and show on the face of the envelopes the bid number, the title of the bid and the bidder's name. All envelopes will be date stamped as received.

All bids shall be opened in public and read aloud at the time stated in the legal notice. No bids shall be accepted, or opened, that were not submitted in compliance with the procedures set forth in the notice advertising the bid.

Within a reasonable time following the bid opening, the Superintendent of Schools or his/her designee will tabulate and analyze the bids. For contracts of \$25,000 or more, the Superintendent shall, subject to the right of rejection, award the bid to the Lowest Responsible Qualified Bidder, as defined below.

A record of all bids submitted, giving the names of the bidders, the amounts of the bids and indicating the successful bidder, shall be preserved by the Superintendent of Schools or his/her designee in accordance with State law.

E. Bid Security

When, in the judgment of the Superintendent of Schools or his/her designee, bid security is advisable, all bids must be accompanied by security in one of the following forms - certified check, cashier's check, personal money order, letter of credit or bid bond. The requirement for, and the amount of, the security must be set forth in the bid advertisement. All security presented must show the "Town of Rocky Hill" as the payee.

F. Requirements Governing Bid Awards

The award shall be made to the bidder whose bid meets the requirements, terms and conditions contained in the bid specifications and is the lowest among those bidders possessing the skill, ability and integrity necessary for faithful performance of the work based on objective criteria considering past performance and financial responsibility (the "Lowest Responsible Qualified Bidder"), and after consideration of a cooperative agreement with the municipality as described in Section I.B, above.

In determining the Lowest Responsible Qualified Bidder the following criteria will be considered, as applicable:

- (1) The ability and capacity of the bidder to perform the work based on an evaluation of the character, integrity, reputation and experience of the bidder. Consideration shall be given to previous work performed by the bidder for the Board or for other agencies, including the quality and degree of satisfaction with the work performed.
- (2) The financial resources of the bidder and the bidder's ability to secure any required bonds and/or insurance.
- (3) Compliance by the bidder with all applicable federal, state and local laws, including any licensing requirements.
- (4) Delivery or completion time.
- (5) Cost.

(6) Involvement in litigation.

Should a situation arise where it is impossible to distinguish between two bidders to identify the Lowest Responsible Qualified Bidder, and one of the bidders has its principal place of business located within the Town of Rocky Hill, the award will be made to the local bidder.

G. Rejection of Bids

The Superintendent of Schools or his/her designee has the right to reject any and all bids in whole or in part. Any or all bids may be rejected if there is any reason to believe that collusion exists among the bidders. Individual bids may be rejected for irregularities of any kind, including, without limitation, alteration of form, additions not called for, conditional bids, incomplete bids and unexplained erasures.

The Superintendent of Schools or his/her designee retains the right to waive any formality or procedural irregularities in the bids received. Nothing in this Section should be construed to limit in any way the right of the Superintendent of Schools or his/her designee to reject any and all bids.

H. Advisement of Bid Award

Upon acceptance of the Lowest Responsible Qualified Bidder, a letter will be sent to the successful bidder(s) announcing the award of the bid. All unsuccessful bidders will be sent a letter notifying them that they were not selected.

III. COMPETITIVE QUOTATION PROCESS

A. Purchases Requiring Competitive Quotation Process

Price quotations should be requested for all purchases of goods or general services, including high technology equipment, expected to involve an expenditure of at least \$5,000 but less than \$25,000. Purchases of goods or services which involve an expenditure of less than \$5,000 may be made directly, without regard to any competitive bid or quotation process. Waivers from the quotation process are available for the same reasons that Waivers are available from the bidding process. (See Section V.)

B. Process For Obtaining Quotations

Generally quotations, either oral or written, should be solicited by the Superintendent of Schools or his/her designee from at least three (3) vendors or obtained from current catalogues or price sheets. The refusal of an otherwise valid supplier to quote shall qualify as a quotation.

The quotation process does not require a public opening, and the Superintendent of Schools or his/her designee may send requests to a limited number of selected vendors. However, vendors must furnish all of the necessary information to the Superintendent of Schools or his/her designee by the specified date.

The purchase shall be awarded to the provider whose proposal is deemed to best provide the good and/or services desired, taking into account cost and the project requirements, and after consideration of a cooperative agreement with the municipality as described in Section I.B, above.

IV. COMPETITIVE PROPOSAL PROCESS FOR SPECIAL OR PROFESSIONAL SERVICES

A. Purchases Requiring Competitive Proposal Process

Purchases of Special or Professional Services may be made by competitive proposal should the situation warrant if the purchase exceeds the monetary thresholds set forth below. Special or Professional Services involve the furnishing of judgment, expertise, advice or effort by persons other than Board employees, and not involving the delivery of a specific end product that is defined by bid specifications. Examples of Professional Services include, but are not limited to, in-service instructional leaders, pupil services, special education evaluations, interpreters, tutors, computer programmers, architects, auditors, attorneys, instructional consultants, and temporary agencies. Examples of Special Services include, but are not limited to, repair services for Board property, equipment and vehicles where the nature of the repair cannot be defined in advance by bid specifications and the professional expertise of the service provider is critical. Waivers from the proposal process are available for the same reasons that Waivers are available from the bidding process. (See Section V.) Funds must be available in the proper account in order to begin development of a Request for Proposals ("RFP").

Purchases of Special or Professional Services that are expected to be less than \$25,000 shall be made directly by the Superintendent of Schools or his/her designee, without regard to a competitive proposal process.

B. Informal Competitive Proposal Process

Purchases of Special or Professional Services for less than \$25,000 shall be based upon a reasonable and documented attempt to solicit proposals. Where possible, proposals should be solicited from at least three (3) potential service providers. The refusal to submit a proposal from an otherwise valid provider shall qualify as a proposal. The process shall be documented in writing by the Superintendent of Schools or his/her designee. If a single reasonable source exists for the service, this fact shall be documented in writing.

An evaluation of the proposals received will be made by the Superintendent of Schools or his/her designee. The Superintendent or his/her designee shall award the contract to the service provider whose proposal is deemed to best provide the services desired, taking into account cost and the project requirements.

A record of all proposals submitted, giving the names of the service providers, the amount of the proposal and indicating the successful provider, shall be preserved by the Superintendent of Schools or his/her designee in accordance with State law.

C. Formal Competitive Proposal Process

Request for Proposals for Purchases of Special or Professional Services for \$25,000 or more shall be prepared by the Superintendent or his/her designee. All requirements, terms and conditions, including provider qualifications, should be included in the RFP, as well as a draft contract whenever possible.

The Superintendent of Schools or his/her designee will arrange to have a legal notice requesting proposals published in a local newspaper and on the Board's website at least ten (10) business days prior to the deadline for submitting proposals. Whenever the Superintendent or his/her designee determines that the service requested is so specialized that few appropriate providers can reasonably be expected to respond to the notice, the Superintendent may substitute another means of notifying potential providers of the RFP in lieu of such newspaper and website notice. Any advertisement or other notice of the RFP shall include the general description of the services sought and the location where RFPs may be obtained.

Where possible, proposals should be solicited from at least three (3) potential service providers. The refusal to submit a proposal from an otherwise valid provider shall qualify as a proposal. The process shall be documented in writing by the Superintendent of Schools or his/her designee. If a single reasonable source exists for the service, this fact shall be documented in writing.

An evaluation of the proposals will be made by the Superintendent of Schools or his/her designee. The contract shall be awarded to the service provider whose proposal is deemed to best provide the services desired, taking into account cost and the requirements, terms and conditions contained in the RFP.

A record of all proposals submitted, giving the names of the service providers, the amount of the proposal and indicating the successful provider, shall be preserved by the Superintendent of Schools or his/her designee in accordance with State law.

V. WAIVERS

In certain situations the bidding, quotation and proposal processes described above may be waived even though the estimated cost exceeds the dollar threshold established by the Board. The formal processes may be waived for any of the following reasons:

- (1) Only one (1) reasonable or qualified source can be identified. This shall include situations such as the purchase of copyrighted materials and textbooks.
- (2) Time is a critical factor, and taking the time necessary to comply with the formal process would not be in the best interests of the school district.
- (3) In the opinion of the Superintendent or his/her designee, an emergency requires the purchase of goods or services to avoid injury or damage to human life or property.
- (4) A special source, including but not limited to a sale, purchasing plan, government discount or trade-in allowance, will supply a lower cost than that which would result from a bid process.
- (5) A formal process would result in substantially higher costs to the school district, or inefficient use of personnel, or cause substantial disruption of school district operations.
- (6) Prices of goods or services are subject to specific federal or state competitive bidding requirements, including, but not limited to, "school building projects" as defined in the Connecticut General Statutes.
- (7) Regional or cooperative purchases.
- (8) Cooperative agreement with the local municipality.

For a requesting administrator to obtain a Waiver, the requesting administrator must make a written request to the Superintendent of Schools or his/her designee. The Waiver must bear the signature of the requesting administrator and state the reason(s) for requesting the Waiver. Upon receipt of such request, the Superintendent of Schools or his/her designee will promptly notify the requesting administrator if such Waiver has been granted.

In addition, the Superintendent of Schools or his/her designee, in his/her sole determination, may grant a Waiver for any of the above-listed reasons. Upon granting such a Waiver, the Superintendent of Schools or his/her designee must, in writing, state the reason(s) for granting such Waiver.

VI. PROCUREMENT OF PROPERTY AND SERVICES UNDER A FEDERAL AWARD

When procuring property and/or services under a Federal award, the Board will comply with relevant regulations in the Code of Federal Regulations, as described in 2 C.F.R. § 200.327, as amended from time to time, to the extent it is required to do so. See Appendix A.

VII. AUDITS

The Board may periodically engage an independent audit firm to review the purchasing procedures outlined in this policy.

Legal References:

State Law:

Conn. Gen. Stat. §10-241c Local board of education to consult with municipality re joint purchasing of property insurance, casualty insurance and workers' compensation insurance.

Conn. Gen. Stat. §10-241d Local board of education consultation with municipality re goods and services. Cooperative arrangements.

Conn. Gen. Stat. §10-241e Local board of education consultation with municipality prior to purchase of payroll processing or accounts payable software program.

Federal Law:

2 C.F.R. § 200.317 through 2 C.F.R. § 200.327.

2 C.F.R. § 200.81 (definition of property).