

Missoula County Public Schools
FINANCIAL MANAGEMENT 7321P
Purchasing: Bids & Contracts

Procedures shall be in place which define purchasing through the bidding process. They are to include the following:

1. Formal bids shall be opened at the time and place stated in the official advertisement for bids. Any interested member of the public may attend the bid opening. It shall be the bidder's sole responsibility to see that his/her bid is delivered to the District prior to the time set for opening of bids. Any bid received after the time set for opening the bids shall be returned to the bidder unopened and shall receive no consideration by the District.
2. Formal bid tabulation shall be presented at the next regular meeting of the Board, unless otherwise stated.
3. Bid awards shall be made by the Board in consideration of staff recommendations.
4. The District shall reserve the right to reject any or all bids, and to waive any technicality or formality in the bidding process which is not of substantial nature.
5. On construction projects, the bidder shall comply with prevailing wage and affirmative action requirements and shall provide a performance bond, if required.
6. For maintenance or improvement projects estimated to cost in excess of \$80,000 the Superintendent/ designee shall advertise for bids in the manner described below.

The following steps shall be employed to engage a contract for work projects:

- a. Written specifications shall be prepared which describe the work to be completed and the materials to be used; completion date; contractor's assurances (prevailing wages, fair employment, etc); bid and performance bond requirements; opportunity to visit the work site; closing date; and bid form.
- b. Public notice in accordance with state statute shall be made, which includes a description of the project and the process to follow in acquiring the project specifications.
- c. After the closing time, bids shall be opened, recorded and made available for inspection or telephone inquiry.
- d. The Board shall award the contract to the lowest responsible bidder, provided that the resident bidder is not more than three percent higher than the lowest responsible bidder who is not a resident of Montana.

The following factors shall be considered in determining the lowest responsible bidder:

- a. The ability, capacity and skill of bidder to perform the work required;
- b. Competitive price, warranty, and other cost factors as specified;
- c. The ability of the bidder to perform the work in the time specified;
- d. The quality of performance of previous contracts or services;
- e. The previous and existing compliance of the bidder with law relating to public works; and
- f. Such other information related to the performance of the contract as the Superintendent/designee deems advisable;
- g. An acceptable bid or offer and a district purchase order shall constitute the only contract necessary for the purchase of supplies, equipment, and minor repairs or construction projects, except that the successful bidder shall meet all conditions included in the specifications.

In accordance with CFR 200.319(c), all purchase solicitations shall:

- Incorporate a clear and accurate description of the technical requirements for the material, product, or service to be procured. Such description must not contain features which 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, must set forth those minimum essential characteristics and standards to which it must 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 must be met by offers must be clearly stated; and

- Identify all requirements which the offerors must fulfill and all other factors to be used in evaluating bids or proposals.

Legal References:: CFR 200.319(c) Competition

Procedure History:

Adopted on: April 14, 1998

Adopted on: May 8, 2007

Revised at PN&P Committee on January 28, 2015 and posted for public comment.

Approved on: March 10, 2015

Revised at Regular Meeting on June 25, 2019 and posted for public comment.

Approved on: August 13, 2019