

Procurement of Supplies, Materials, Equipment and Services Using Federal Funds

Competition: All procurement transactions paid for from federal funds or District matching funds shall be conducted in a manner that encourages full and open competition and that is in good administrative practice and sound business judgment. To promote these purposes, the District shall exclude any contractor from competition for such procurements if the contractor has developed or drafted specifications, requirements, statements of work, or invitations for bids or requests for proposals.

Further, the District does not use statutorily or administratively imposed state, local, or tribal geographical preferences in the evaluation of bids or proposals under this policy, unless (1) an applicable federal statute expressly mandates or encourages a geographic preference; or (2) the District is contracting for architectural and engineering services, in which case 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.

To the extent that the District uses a pre-qualified list of persons, firms, or products to acquire goods and services that are subject to this policy, the pre-qualified list shall include a sufficient number of qualified sources as to ensure maximum open and free competition. The District allows vendors to apply for consideration to be placed on the list at any time and they must re-qualify every twenty-four (24) months in accordance with administrative procedures established by the District.

Solicitation Language: The District shall require that all solicitations made pursuant to this policy incorporate a clear and accurate description of the technical requirements for the material, product, or service to be procured. Such description shall not, in competitive procurements, 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, shall set forth those minimum essential characteristics and standards to which it shall conform if it is to satisfy its intended use. Detailed product specifications will 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 shall be met by offers shall be clearly stated; and identify all requirements which the offerors shall fulfill and all other factors to be used in evaluating bids or proposals.

The Board shall not approve any expenditure for an unauthorized purchase or contract.

Procurement Methods: The District shall utilize the following methods of procurement:

Micro-Purchases: Purchases of supplies, materials, services, or equipment using federal funds less than \$10,000 shall be “Micro-Purchases.” The District is not required to use a formal bidding process for Micro-Purchases, but it shall ensure that purchases are reasonable and equitably distributed among all qualified sources. The District shall maintain all procurement documentation to ensure the cost is less than \$10,000 for a Micro-Purchase.

Small Purchases: Purchases of supplies, materials, services, or equipment using federal funds between \$10,000 and \$80,000 shall be considered “Small Purchases.” The District is not required to use a formal bidding process for Small Purchases, but it shall use a competitive process to ensure fairness. For any Small Purchase, the District shall obtain at least two or more price quotes. The District shall maintain all procurement documentation to ensure the cost is less than \$80,000 but more than \$10,000 for a Small Purchase.

Sealed Bids: Sealed bids shall be used when the procurement lends itself to a firm fixed price contract and the selection of the successful bidder can be made principally on the basis of price. Sealed, competitive bids shall be obtained when the purchase of, and contract for supplies, materials, or equipment (including construction projects) which exceeds \$80,000 and would utilize federal funds or District matching funds.

1. Bids shall be solicited in accordance with the provisions of state law and board policy. Bids shall be solicited from an adequate number of qualified suppliers, providing sufficient response time prior to the date set for the opening of bids. The invitation to bid shall be publicly advertised.
2. The invitation for bids will include product/contract specifications and pertinent attachments and shall define the items and/or services required in order for the bidder to properly respond.
3. All bids will be opened at the time and place prescribed in the invitation for bids; bids will be opened publicly.
4. A firm fixed price contract award will be made in writing to the lowest responsive and responsible bidder.
5. The Board reserves the right to reject any or all bids for sound documented reason.

Competitive Proposals: Procurement by competitive proposal, normally conducted with more than one source submitting an offer, is generally used when conditions are not appropriate for the use of sealed bids.

If this method is used, the following requirements apply:

1. Requests for proposals shall be publicized and identify all evaluation factors and their relative importance. Any response to the publicized requests for proposals shall be considered to the maximum extent practical.

2. Proposals shall be solicited from an adequate number of sources.
3. The District shall use its written method for conducting technical evaluations of the proposals received and for selecting recipients.
4. Contracts shall be awarded to the responsible firm whose proposal is most advantageous to the program, with price and other factors considered. Price may not be considered where procuring architectural/engineering services; compensation is subject to negotiation of a fair and reasonable fee after selection.

Noncompetitive Proposals: The District may only solicit a proposal from a sole source when one or more of the following circumstances apply:

1. The item is available only from a single source;
2. The public exigency or emergency for the requirement will not permit a delay resulting from competitive solicitation;
3. The federal awarding agency or pass-through entity expressly authorizes noncompetitive proposals in response to a written request from the District; or
4. After solicitation of a number of sources, competition is determined to be inadequate.

Contract/Price Analysis: The District shall perform a cost or price analysis in connection with every procurement action in excess of \$80,000, including contract modifications. A cost analysis generally means evaluating the separate cost elements that make up the total price, while a price analysis means evaluating the total price, without looking at the individual cost elements.

The method and degree of analysis is dependent on the facts surrounding the particular procurement situation; however, the District shall come to an independent estimate prior to receiving bids or proposals.

Time and Materials Contracts: The District uses a time and materials type contract only (1) after a determination that no other contract is suitable; and (2) if the contract includes a ceiling price that the contractor exceeds at its own risk. A time and materials type contract is a contract whose cost to the District is the sum of the actual costs of materials, and direct labor hours charged at fixed hourly rates that reflect wages, general and administrative expenses, and profit.

Suspension and Debarment: The District will award contracts only to responsible contractors possessing the ability to perform successfully under the terms and conditions of the proposed procurement. All purchasing decisions shall be made in the best interests of the District and shall seek to obtain the maximum value for each dollar expended. When making a purchasing decision, the District shall consider such factors as (1) contractor integrity; (2) compliance with public policy; (3) record of past performance; and (4) financial and technical resources.

The Superintendent shall have the authority to suspend or debar a person/corporation, for cause, from consideration or award of further contracts.

The District shall not subcontract with or award subgrants to any person or company who is debarred or suspended. For contracts over \$25,000, the District shall confirm that the vendor is not debarred or suspended by verifying such status.

Maintenance of Procurement Records: The District maintains records sufficient to detail the history of all procurements. These records include, but are not 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 (including a cost or price analysis).