

**TALBOT COUNTY
PUBLIC SCHOOLS
EASTON, MD 21601**

**POLICY CODE
4.6- AR
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BIDDING REQUIREMENTS AND PROCEDURES - AR

I. METHODS OF DETERMINING PRICE AND VENDOR

A. Use of Listed Catalog Prices

1. Normally used for purchases less than \$50 per item and \$250 total unless reviewed with. The Assistant Superintendent for Support Services and a waiver is obtained for purchases exceeding that amount.
2. Catalog prices may be researched by the using department but are subject to review by the Assistant Superintendent for Support Services or designee.
3. Several catalogs or other sources should be checked to ensure the price is competitive.

B. Telephone Solicitations (TELEQUOTES)

1. This method may be used when the amount of the purchase is less than \$100 per item and \$2000 total.
2. Telephone quotes may be secured by the using school or department with the approval of the Assistant Superintendent for Support Services.
3. Three quotes are desirable although two may suffice if additional quotes cannot be secured for some reason.
 - a. An internal form which documents the information and prices secured over the telephone will be maintained in a Telequote file and cross—referenced with the purchase order numbers for audit purposes. (A sample of this form is contained immediately following this procedure.)
 - b. Negotiation after quotes are received is allowed and recommended.

C. Advertised and Unadvertised Requests for Quotations (RFQ)

1. This method may be used when the amount of the purchase is up to \$25,000 or the State's legal requirement for bidding, whichever is higher. Purchases in excess of this amount require a formal competitive bid.
2. Vendors from our bid list for the items to be secured are solicited using a REQUEST FOR QUOTATION form. The solicitation form will have a date listed on it known as the closing date. This method normally does not utilize detailed specifications but will most likely use a product line as the model and rely on "approved equals" for comparison.
3. For advertised RFQ's specifications, instructions and RFQ format will normally be furnished by the using school or department subject to review by the Assistant Superintendent for Support Services.
4. A requirement for two or more quotes is necessary to establish competitive prices. If a single quote is used, a note of explanation should accompany the purchase requisition. (A copy of the Request for Quotation form immediately follows the Telequote form previously mentioned).
5. No RFQ's will be accepted after the announced time of closing. This method does not require reading of bids at a specified time as required by the formal bid.
6. Quotations are opened, reviewed, and tabulated; and the results of the solicitation may be made available to all respondents to the RFQ upon request. An award is made as soon as a proper evaluation can be completed. The award will be made to the lowest responsible respondent.
7. If a product offered does not qualify as an "approved equal", the respondent will, upon request, be advised wherein the deficiency lies.
8. Negotiation after opening the documents is allowed if it is deemed to be in the interest of the school system.

D. Formal Competitive Bids

1. This method will be used when the amount of the purchase exceeds \$25,000.
2. Specifications, instructions and bid format will normally be furnished by using school or department subject to review by the Assistant Superintendent for Support Services.
3. Vendors will be solicited from our bid lists. Additionally a notice of the Invitation to Bid will be advertised in a newspaper of general circulation.

4. Bids will be sealed and opened publicly at the time and place that is listed in the advertisement.
5. Bids will be tabulated and the results made available to all bidders as soon as practical after the bid opening.
6. Bids will be evaluated and the award made to the lowest responsible bidder. The Assistant Superintendent for Support Services has the authority to determine if a bid meets the specifications of the Invitation.

If the bidder fails to meet the minimum standards, he will be advised of that fact and the deficiencies of his submittal. If the bidder does not agree with the decision, he has the right of appeal to the Board of Education.

If the low apparent bidder and lowest responsible bidder are the same, the Assistant Superintendent for Support Services may make the award. If the bids exceed the amount budgeted, or the Assistant Superintendent for Support Services recommends that the award be made to other than the lowest bidder, the Board of Education will review the bids. The award will be made in accordance with the Board of Education action.

E. Competitive Sealed Proposals

1. This method will be used to solicit services of an individual or organization which possess a high degree of technical skill, or other unique attributes. Normally the professional skills categories such as attorneys, physicians, engineers, architects, accountants, veterinarians, etc., are exempt from the bid process. However, similar methodology shall be used where practical.
2. The scope of the project is outlined along with the desired results by the using agency and forwarded to the Assistant Superintendent for Support Services.
3. The Assistant Superintendent for Support Services will solicit "Expressions of Interest" from candidates whose skill category is needed to accomplish the project. The "Expressions of Interest" are evaluated and a list of qualified candidates is developed from this evaluation.
4. The previous step may be waived, or combined with Step e, as long as a method to evaluate the candidate's capabilities to perform the required work is contained in the solicitation.
5. A REQUEST FOR PROPOSAL is then sent to each candidate inviting them to submit a proposal containing technical and cost information in relation to the project. Included in the invitation to the candidates to submit a proposal will be an evaluation format outlining how we intend to evaluate the proposals, and who will do the evaluating.

6. Proposals will be submitted in sealed envelopes clearly identified and a closing date for receiving the submittals will be provided. Proposals will be opened at the specified time and place just like the formal bid opening. However, the proposals are not available to the general public until such a time as the evaluations are complete.
7. The proposals will be evaluated using the format indicated in the Invitation and a ranking of the proposals will be assigned. The rankings and other pertinent information are then submitted to the Board of Education for an award.
8. This format differs from the normal bidding procedure as follows:
 - a. Negotiation after the opening of the documents is encouraged. Such negotiation assumes the changes will be minor in content and the original scope of the project remains essentially the same.
 - b. The documents do not become available to the public until the evaluation is completed rather than following opening as in normal bidding.
 - c. Since this is a proposal rather than a bid, the requirements for bid bond are not applicable to the submittal. However, the requirement for a performance bond as a condition of award is entirely acceptable if indicated in the RFP.

F. “Piggy-backing” on Other Government Contracts

1. Most Federal and State open end contracts provide a clause extending the prices secured through their bidding process to the smaller subdivisions.
2. The Federal General Services Administration (GSA) contracts are available to State and local governments and provide substantial price advantages since they reflect a volume bid. Likewise contracts bid by the State Purchasing Departments contain a similar clause. The prices provided to the federal or state governments are extended to the local governments under this provision.
3. Where the specifications used by the GSA or State bidding authorities meet the needs of the Board of Education, the prices established through their bidding process and made available to Talbot County Board of Education will satisfy the requirement that our prices be established through the competitive bidding process. The Purchase Requisition and the subsequent Purchase Order should reflect the Federal GSA Contract or State contract used as a basis for establishing the purchase price of the goods covered in the order.

G. Sole Source Procurement

1. There are times when it becomes apparent that a needed product is made by a single manufacturer and distributed through a single dealer or vendor. In such cases there is no choice but to purchase the product from the sole source.
2. If the product appears to be a sole source procurement situation, the Assistant Superintendent for Support Services and the head of the using school or department shall evaluate their needs to ensure that the specifications are not overly restrictive and thus place us in the position that only one vendor can supply the product.
3. If less restrictive specifications can be utilized without materially affecting the overall performance, all efforts should be made to utilize the competitive process to establish the price. If the product is truly sole source, the proper handling is covered in (d) below.
4. The Director and head of the using school or department shall jointly request that the Board of Education authorize the purchase without benefit of the bid process. Information and documentation should be provided to the Board of Education to allow them to make such a decision. (See Section III... Authority to Waive Competitive Bidding.)
5. In case where the purchase involves parts or service for an existing piece of equipment, or where additional components have to match existing systems (such as computer systems, staging, etc); and where delay will create additional expense, the Assistant Superintendent for Support Services may proceed with the Purchase after reviewing the matter with the Superintendent to secure his concurrence.

The Assistant Superintendent for Support Services shall then be responsible for negotiating an order or contract with the sole supplier at a price and terms most advantageous to the school system.

H. Special Services Solicitations

1. This method is used for the purchase of supplies and/or services where the nature of the work prevents the establishment of a firm bid price prior to the commencement of work. Examples of special services work include motor or plumbing repairs where the concealed nature of the work precludes a firm bid.
2. The Assistant Superintendent of Support Services will attempt to use a known responsible source capable of handling such services, either
 - a. an original equipment manufacturer authorized repair service agency (the preferred source), or

- b. a qualified agency based on past performance, reputation, and recommendations.
3. The Board and the service agency will agree on a “not to exceed” price. The Board will pay no more for the repairs unless additional written authorization is given by the Director upon discovering additional damage not anticipated originally.

II. EMERGENCY PURCHASING PROCEDURE

- A. This procedure should be used only when a bonafide emergency exists, i.e.
 1. A dangerous condition caused by a breakdown in machinery; or
 2. A dangerous condition caused by a threatened termination of essential services;
 3. An unforeseen circumstance causing curtailment or diminution of an essential service or instruction.
- B. Process during school or business hours
 1. Principal, school manager, department head (or authorized representative) determines an emergency purchase is required.
 2. He notifies the Superintendent or Assistant Superintendent of Support Services of the need for an emergency purchase.
 3. The Assistant Superintendent for Support Services authorizes the school or department to obtain the agency to obtain competitive prices using the Telequote procedure.
 4. A vender and price is established from the Telequotes.
 5. A purchase order is prepared by the using agency and processed immediately. If the nature of the emergency precludes the preparation of the Purchase Order at this point, the Assistant Superintendent for Support Services may waive this and allow the Purchase Order to be confirming.
- C. Process after school or business hours
 1. The Principal school manager, or department head is authorized to make the purchase using the competitive process if possible.
 2. The school or department prepares a purchase order with full documentation of the need within three (3) business days. The purchase order is marked “Confirming Purchase Order-Emergency Purchase.”

D. Emergency Purchases will be fully reviewed by the Assistant Superintendent for Support Services.

II. - AUTHORITY TO WAIVE COMPETITIVE BIDDING

A. There are occasions when it is advantageous, or unavoidable to waive the competitive bidding process although such occasions should be infrequent.

1. Sole Source situations would be on instance where this option would be exercised.

2. There could be situations where the cost or inconvenience of waiting to complete the bidding process could offset the advantages of same. Upon recommendation of the Assistant Superintendent for Support Services and the Superintendent, the Board of Education has the authority to waive bidding by an affirmative vote of five of the seven members.

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