

BIDDING/PURCHASING REQUIREMENTS

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

A. Bidding Required by Law

Maine law requires the ESC 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; 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 the ESD to competitively bid purchases of equipment, supplies, materials or services provided that it is practical and cost-effective to specify the materials or services with sufficient particularity to allow meaningful comparison of bids.

If competitive bidding is not utilized, the Superintendent may seek Requests for Proposals (RFP) for purchases. An RFP identifies the need the ESD 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 process only when he/she determines that quality, expertise, time factors, or other important considerations outweigh the possible benefits of bidding or requesting proposals. In each such case, the ESC shall be informed of the Superintendent's decision and the reasons for it in advance of entering into a contract.

C. Procedures for Bidding and Requesting Proposals

The method of notification that the ESD 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.

Bid Procedures

- A. The notification shall specify the deadline for submitting bids and the time and place of bid opening. Bid alternates shall be permitted at the discretion of the Superintendent. The notice shall reserve the right of the ESD to reject any or all bids, and to waive technical or immaterial non-conformities in bids if in the best interest of the ESD, 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 date),” and mailed or filed with the Superintendent of the ESD.
- C. **Time of opening.** ESC members or employees of the ESD may not open a bid 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 any ESC member designated for the purpose by the Chair of the ESC.
- E. **Reading.** If any citizens who are not ESC members or employees of the ESD or if 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. In general, the ESC will award contracts to the lowest bidder which the Superintendent and ESC deem can satisfactorily fulfill the contract.

RFP Procedures

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

Legal Reference: 5 MRSA § 1743-A
20-A MRSA §§ 1001.14, 5401.13 D; 5402
§ 13 c (Maine State Board of Education Rules for School Construction Projects)

Adopted: **February 19, 1993**

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