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PURCHASING POLICIES AND BIDDING

POLICY:

The Superintendent or designee shall be responsible for all purchases of materials, equipment, and services from District school funds. Only persons authorized by the Superintendent or School Board rules may make any purchase involving the use of school funds. Unauthorized expenditures shall not be approved by the School Board. This policy excludes Food Service. See Policy 7.117 for food service procurement. The following provisions shall govern purchasing and bidding procedures:

- (1) **AUTHORIZATION TO EXECUTE PURCHASE ORDERS.** The Superintendent or his designee shall be authorized to sign purchase orders.
- (2) **DEVELOPMENT OF AND ADHERENCE TO SPECIFICATIONS.** Purchases through bids and quotations procedures shall be based upon justification and specifications which are clear, definite, and certain as to character and quality and shall conform to standard specifications for the various classes of supplies, materials, parts, services, or equipment desired. Such specifications shall be conducive to securing the most economical price for the highest quality product which best meets the needs of the educational program. Specifications shall be as open as possible and it shall be made clear in the invitation to bid that use of a trade name does not give exclusive rights to that product. Preferential bidding shall not be permitted, unless otherwise provided for in this policy. The Superintendent or designee shall be responsible for soliciting the assistance of District staff members who use the products to prepare specifications and to evaluate bids. Bids for School Construction (8.27), Protests of those bids (8.271), Change Orders (8.28), and Renovations or Remodeling of Facilities (8.30) are required to follow Board Policies addressed elsewhere as noted.
- (3) **REQUIREMENTS FOR COMPETITIVE BIDS.** Sealed bids shall be requested for any purchase of materials, equipment, or service above limits set by State Board of Education rules unless the item is purchased on the basis of an established state contract, under the provisions of Subsections (12) or (13) herein, or is otherwise exempted from bidding by Florida Statutes or State Board of Education rules. A particular item or group of similar items which is anticipated to exceed a collective legally permitted total during the fiscal year shall be subject to the bid requirements as described herein.

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- (a) A list shall be maintained of all potential bidders by category of commodity or service and shall include the names of all persons or firms that requested placement on the list. A request for bids shall be mailed to each person and firm on the list for that particular commodity or service and may mail the request for bids to other known persons or firms that are capable of providing the requested commodity or service.
 - (b) The name of any person or firm may be removed from the list upon failure to respond to three (3) consecutive requests for bids.
 - (c) The Superintendent or designee may remove the name of any unqualified or unreliable person or firm from the list. Provided, however, the person or firm may apply to the Purchasing Agent for reinstatement to the vendor list after being removed for one (1) year.
 - (d) Prior to issuance of a bid the vendor shall execute an affidavit, pursuant to Florida Statutes, certifying that neither the firm nor any of its principals have been convicted with a public entity crime and been placed on the convicted vendor list within the previous thirty-six (36) months.
- (4) **BID RECEIPT, OPENING, AND TABULATION.** Sealed bids shall be received at the time and date designated in the request for bids. Time date received shall be marked on the unopened envelope along with the initials of the person accepting it. Once opened, this envelope shall be retained for audit purposes. All bids shall be opened publicly in the presence of at least three (3) School Board employees who will sign a certification that bids were unopened until that time. The name of the bidder and the amount shall be read aloud. The Superintendent shall make a recommendation to the School Board. The tabulation shall be signed by the three (3) School Board employees in attendance. Bids received after the designated time shall not be accepted or considered.
- (5) **AWARD OF BIDS.** Each bid shall be awarded on the basis of the lowest and best bid which meets specifications with consideration being given to the specific quality of the product, conformity to the specifications, suitability to school needs, delivery terms and service, and past performance of the vendor. In case of a tie, the recommendation shall be made by casting lots. Samples of products may be requested when practical. The School Board shall reserve the right to reject any or all bids. The School Board may award contracts to the lowest, responsible bidder as the primary awardee and to the next lowest and responsible bidder(s) as alternate awardees.

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- (6) **PUBLIC INSPECTION OF BIDS.** Bids and quotations shall be made available for public inspection on the posting date and copies may be obtained subsequent to the posting date. The fee for photocopying shall be in accordance with the School Board Rule entitled "Photocopying of Public Records." Original bids and quotations and the transmittal envelopes shall not be removed from the bid files.
- (7) **AWARD TO OTHER THAN LOW BIDDER.** Any bid recommendation other than the low bid shall be accompanied by a signed written statement giving the reasons and justification for such action as provided in Subsections (4) or (19) herein. Single or combination items may be considered in determining the recommendation.
- (8) **BID WITHDRAWAL.** A bidder may withdraw a bid before the designated time for opening bids by submitting a written request to the Superintendent or designee and identifying the reason(s) for the desired bid withdrawal. A bidder shall not be permitted to withdraw a bid for any reason after the designated time for opening bids unless mutually agreed upon by both parties.
- (9) **EMERGENCY PURCHASES OR BIDS.** Emergency purchases or bids may be requested in writing or by telephone and returned as the emergency requires based on the Superintendent or designee's approval. Emergency as used herein means a situation, which endangers the health, safety, or welfare of students or jeopardizes a project. All emergency bids shall be tabulated and presented to the Superintendent who shall submit the matter to the School Board for action. The School Board minutes shall show the need to initiate emergency bid procedures and shall justify that regular bid procedures would cause a delay and be contrary to the public interest.
- (10) **REQUISITIONS.** Each purchase shall be based upon a requisition originating from the principal or District department head. Each requisition or contract shall be properly financed, budgeted, and encumbered prior to issuing a purchase order. Under extreme emergencies, the Superintendent or designee may grant permission for a purchase without a requisition, provided, however, any emergency purchase shall be followed immediately with an emergency requisition. A purchase shall not precede a requisition except under emergency provisions.

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- (11) **INFORMAL QUOTATIONS ON PURCHASES.** Quotations shall be obtained from at least three (3) sources for all construction or repair projects in excess of \$15,000, except as provided in subsections (9) and (13) herein. For all other materials, services, or equipment; quotations from at least three (3) sources is required prior to issuance of a purchase order as established and required by state law or other regulations.
- (12) **PRE-AUTHORIZED PURCHASE BIDS.** Subject to provisions of law, the Superintendent may authorize purchase bids approved by the state of Florida, other government agencies, or educational consortium.
- (13) **SELECTING PROFESSIONAL SERVICES.** In accordance with State law, architectural, construction management, and engineering services shall be solicited through an application procedure. Except in emergency situation, the Board shall publish its intent to acquire such services, describing the project or projects for which services are required. A professional services contract shall be negotiated and recommended to the Board. Contracts may be awarded on an annual basis.
- (14) **CONFLICT OF INTEREST.** Any violation of the “conflict of interest” laws, rules, or regulations by a School Board employee may be grounds for dismissal.
- (15) **CONSTRUCTION MANAGEMENT CONTRACTS.** Construction management contracts for the construction of facilities shall contain penalties to be paid by the contractors for failure to comply with the contract terms.
- (16) **MULTI-YEAR PURCHASE AGREEMENTS.** No obligation shall be created by contract, purchase order, maintenance agreement, lease-purchase agreement, lease agreement, or other instrument which exceeds a period of twelve (12) months. The Superintendent shall develop and prescribe a uniform termination clause which shall be incorporated in and made a part of any multi-year obligation agreement or contract.
 - (a) **BIDS FOR LAWN SERVICES.** Bids for lawn services will be accepted at least every four (4) years beginning in 2015. Contracts may be awarded on an annual basis not to be renewed for more than three (3) years, for a total of four (4) years.

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- (b) BIDS FOR CUSTODIAL SERVICES. Bids for custodial services will be accepted at least every four (4) years beginning in 2015. Contracts may be awarded on an annual basis not to be renewed for more than three (3) years, for a total of four (4) years.
- (17) COMPARABILITY. There will be equivalence in the provision of curriculum materials and instructional supplies. There will be equivalence among all schools in teachers, administrators, and auxiliary personnel. A district-wide salary schedule will be used which is applicable to all staff.
- (18) BID PROTEST. A bidder, who wishes to file a bid protest, must file such notice and follow procedures prescribed by Section 120.57(3), FS for resolution. Any person who files an action protesting a decision or intended decision pertaining to a bid pursuant to FS 120.57(3)(b), shall post at the time of filing the formal written protest, a bond payable to the Dixie District School Board in an amount equal to one percent (1%) of the total estimated contract value, but no less than \$500 nor more than \$5000. The bond shall be conditioned upon the payment of all costs which may be adjudged against the protester in the administrative hearing in which the action is brought and in any subsequent appellate court proceeding. If, after completion of the administrative hearing process and any appellate court proceedings, the district prevails, it shall recover all costs and charges, which shall be included in the final order or judgment, including charges made by the division of Administrative Hearings, but excluding attorney's fees. If the protester prevails, he/she shall recover from the District all costs and charges which shall be included in the final order of judgment, excluding attorney's fees. Failure to file a notice of intent to protest, or failure to file a formal written protest within the time prescribed in Section 120.57(3), FS, shall constitute a waiver of proceedings under Chapter 120, FS.
- (19) LOCAL PREFERENCE POLICY
- (a) DEFINITIONS.
1. *General services* means support services performed by an independent contractor requiring specialized knowledge, experience, or expertise that includes, but is not limited to, pest control, janitorial, laundry, catering, security, lawn maintenance, and maintenance of equipment.
 2. *Local business* means (i) the vendor has its headquarters located in the county; or (ii) the vendor has a permanent place of business located in the county where it will produce the goods or perform the services to be purchased; or (iii) owners of 25 percent or more of the business live in,

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have a permanent residence in, and pay real estate taxes in the county. Vendors shall affirm their status as a local business on a form provided by the district at the time of submitting their bid or proposal. A vendor who misrepresents their status as a local business will be barred from providing goods or services to the district for a period of one year.

3. *Personal property* includes, but is not limited to, supplies, equipment, materials and printed matter.
4. *Professional services* includes any services where the district is obtaining advice, instruction, or specialized work from an individual, firm, or corporation specifically qualified in a particular area.

(b) **SERVICES AND PERSONAL PROPERTY.** Except where federal or state law or other funding source restriction mandates to the contrary, in the purchase of personal property or general services by means of a bid, when a qualified and responsive non-local business submits the lowest bid, and the bid submitted by one or more qualified and responsive local businesses is within five percent of the bid submitted by the lowest bidder, then the lowest local bidder shall have the opportunity to match the bid made by the lowest qualified and responsive bidder. If the local business matches the lowest bid, it will be awarded the job if its bid otherwise satisfies the bidding requirements. Should the lowest local business who submitted a bid within five percent of the lowest bid decline to match the lowest bidder's bid, then if there were other qualified and responsive local businesses whose bids were within five percent of the lowest bid, those local businesses in the order of lowest to highest shall have the opportunity to match the lowest bid. If a local business within five percent matches the lowest bid, it will be awarded the job if its bid otherwise satisfies the bidding requirements. In any event, if the non-local business that was the lowest bidder certified that it has a drug-free workplace program in accordance with F.S. § 287.087, in order for a local business to be eligible to match the lowest bidder's bid, it must also have certified that it has a drug-free workplace program

(c) **PUBLIC WORKS.** Except where federal or state law or other funding source restriction mandates to the contrary, in the purchase of, or contract for, the construction or renovation of public works or improvements by means of a bid, when a qualified and responsive non-local business submits the lowest bid, and the bid submitted by one or more qualified and responsive local businesses is within five percent of the bid submitted by the lowest bidder, then the lowest local bidder shall have the opportunity to match the bid made by the lowest qualified and responsive bidder. If the local business matches the lowest bid, it

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will be awarded the job if it otherwise satisfies the bidding requirements. Should the lowest local business who submitted a bid within five percent of the lowest bid decline to match the lowest bidder's bid, then if there were other qualified and responsive local businesses whose bids were within five percent of the lowest bid, those local businesses in the order of lowest to highest shall have the opportunity to match the lowest bid. If a local business within five percent matches the lowest bid, it will be awarded the job if it otherwise satisfies the bidding requirements. In any event, if the non-local business that was the lowest bidder certified that it has a drug-free workplace program in accordance with F.S. § 287.087, in order for a local business to be eligible to match the lowest bidder's bid, it must also have certified that it has a drug-free workplace program

- (d) **POINT TOTALS.** Except where federal or state law or other funding source restriction mandates to the contrary, in the purchase of personal property, general services, public works or improvements, or professional services by means of a letter of interest and competitive selection and negotiation in which objective factors used to evaluate the letters of interest or other submittals received from vendors are assigned point totals, a preference in the amount of five percentage points of the total points that may be awarded may be given to a local business.

- (e) **APPLICABILITY.** Prior to procurement, the district shall determine if this section shall apply, and shall indicate on the face of the solicitation whether or not the provisions of this local preference shall apply. This section shall not apply to quotes received pursuant to subsections (11) of this policy. The preferences established herein in no way prohibit the right of the district to compare quality of materials proposed for purchase and compare qualifications, character, responsibility and fitness of all persons, firms, or corporations submitting bids, proposals or quotes for purchase orders. Further, the preferences established herein in no way prohibit the right of the district from not applying the provisions of this policy to a particular procurement or from giving any other preference by law instead of the preference granted herein.

STATUTORY AUTHORITY: 1001.42; 1001.43, F.S.

LAWS IMPLEMENTED: 112.312; 120.53; 120.57; 212.08; 212.0821; 237.02; 255.04, 287.055; 1001.43; 1001.53; 1010.01; 1010.04; 1011.06; 1013.47 F.S.; PL 103-382, Section 1120A

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