

P3302 REQUIREMENTS FOR ISSUANCE AND RECEIPT OF COMPETITIVE BIDS AND PROPOSALS

BOARD POLICY:

The Purchasing Department shall exert every possible effort to secure materials and services (requisitioned by authorized employees) at the lowest possible price consistent with the item or bid/proposal specifications. The issuance of a request for bid, request for proposal, request for information or statement of qualifications shall be determined by applicable Kansas’s statutes (K.S.A. 72-1151, K.S.A. 75-3317 to K.S.A 75-3319, K.S.A.75-3322 and K.S.A. 75-3320, inclusive, and amendments thereto), applicable federal guidelines, Board of Education policies, applicable regulatory requirements, standards and procedures. The Division Director of Operations or designee, shall have the authority to determine the appropriate procurement method to ensure the best procurement is made on behalf of the district.

In 2014, the Federal Office of Management and Budget issued its Uniform Administrative Requirements, Cost Principles and Audit Requirements for Federal Awards, commonly known as “Uniform Guidance,” set forth in 2 CFR 200. This Uniform Guidance provides a government-wide framework for grants management and aims to reduce the administrative burden on award recipients while simultaneously guarding against the risk of waste and misuse of Federal funds. Effective July 1, 2018, USD 259 is required to and will follow the provisions set forth in the Uniform Guidance for those purchases that are made using any Federal funds.

Administrative Implemental Procedures:

1. The purchase of materials, goods, or wares shall be made in compliance with K.S.A. 72-1151 and amendments thereto, and the AIPs that follow shall be interpreted in a manner that complies with K.S.A. 72-1151 and amendments thereto.
2. All requirements of any quantity of fungible item(s) having an estimated total net price of \$20,000 or more shall be offered to approved vendors for written quotation, bid or proposal prior to issuing a purchase contract or purchase order subject only to the following exceptions:
 - a. Purchases for items or services available to purchase through existing contracts that were consummated through written quotations, bids, or proposals.
 - b. Purchases deemed to be an emergency in nature per BOE Policy 3304 – Authorization to Purchase.
 - c. After advertising for bids or proposals and no responses are received by the due date and the needs of the district warrant purchasing goods or services without the need for additional advertising for bids or proposals, the Division Director of Operations and the director of the department or site for which the purchase is intended shall be authorized to negotiate, within 90 days after the due date set out in the bids or proposal, said purchases that exceed the Superintendent’s delegated signature authority shall be subject to approval by the Board of Education.
 - d. Travel to locations outside the confines of the state for trips involving, and specifically organized for, district students and chaperones (e.g., adults, parents, teachers, administrators), which will be reported to the Board of Education.
 - e. Procurement card (credit card) services from financial institutions or specific vendors.
 - f. Financing, through financial institutions, of the purchase of technical equipment (e.g., computers and machinery) when the lease or lease/purchase of such technical equipment

is beneficial to the district.

- g. Any other materials, goods, or wares as identified in K.S.A. 72-1151 – “school district expenditures over \$20,000; requirements relating to bids and bidders; exemptions.”
3. When issuing online requests for bids or proposals, the Division Director of Operations or designee shall retain the right to also solicit and receive bids or proposals via U.S. or other express mail, facsimile transmission, e-mail, or Internet transmission in the event that potential vendors are unable to access the online bidding application. Such bids or proposals shall be submitted as Sealed Bids.
4. Written or verbal quotations, bids, or proposals for the purchase or acquisition of fungible item(s) or service(s) will be required regardless of the dollar amount when it is deemed by the Division Director of Operations or designee to be in the best interest of the district.
5. Multiple purchases of fungible items shall not be made for circumventing this procedure.
6. Under certain circumstances (e.g., to facilitate emergency type purchases whereby soliciting competitive responses is determined to be in the best interest of USD 259) the Division Director of Operations or designee shall retain the right to solicit and receive bids or proposals via facsimile transmission, or via phone quotations.
 - a. Vendors shall understand that security of outgoing of incoming transmissions of responses or data cannot be guaranteed and USD 259 will not be responsible for (1) responses which are not legible (and may choose to reject such responses), (2) facsimile or computer malfunctions, (3) phone line errors or availability, and (4) assuring that the facsimile machine and/or phone lines are functioning and available for acceptance of a transmission.
7. All bids or proposals for construction, maintenance, and remodeling of school facilities will be initiated by the district’s facilities division with the involvement of the purchasing department.
 - a. This shall include the development and maintenance of contractor lists, issuance and receipt of bids/proposals, public bid openings, or proposal closings, and issuance of purchase orders.
8. Copies of the request for bid or the request for proposal shall be posted or advertised publicly at the time the request for bid or request for proposal is issued.
 - a. Exceptions to the above may be made by the Division Director of Operations, or designee, when circumstances warrant the expedition of purchases whereby posting or advertising is not feasible.
9. Public bid openings and/or proposal closings shall be held in a location established by the purchasing department at the time designated on the request for bid or request for proposal. During an emergency, such as a time when the Governor of Kansas issues an Executive Order closing schools and/or limiting the size of public gatherings, bids will not be opened in public.
 - a. A tabulation of successful bidders shall be made available for review in the purchasing department as the purchase orders are authorized and issued. A reimbursement charge may be imposed should copies of these documents be requested.
 - b. A copy of all bids received shall be made available for review in the purchasing department after the bid opening. A reimbursement charge may be imposed should copies of these documents be requested.
 - c. Responses to request for proposals will be considered as proprietary information, not

subject to public disclosure, if so stated in the request for proposal and if in compliance with the Kansas Open Records Act, K.S.A. 45-217.

10. The opening of responses to requests for bids or proposals, statements of qualification, or requests for information shall be at the time designated under the conditions/instructions of the request for bid or proposal, statement of qualification, or request for information.
 - a. Responses to requests for bids or proposals, statements of qualification, or requests for information received after the established date/time designated will not be accepted as per K.S.A. 21-3902, (4)(b).
 - b. Responses to requests for bids or proposals, statements of qualification, or requests for information received after the established date/time will be returned to the sender unopened. A copy of the late response envelope/container showing the time received will be made and kept in the appropriate file. Exceptions shall be considered due to mishandling on the part of a USD 259 employee if recognized in a timely manner and no purchase order/contract has been issued.

Administrative Responsibility: Operations Division – Purchasing

Latest Revision Date: April 2020

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