

P3303 DETERMINATION OF COMPETITIVE BID AND PROPOSAL AWARD

BOARD POLICY:

For non-construction projects, the lowest responsible bidder shall be recommended for award. In the case of proposals, the responsible proposal that is in the best interest of the district shall be recommended. The determination of a competitive bid or proposal award shall be by applicable Kansas Statutes, federal guidelines, Board of Education policies, and sections of the American Bar Association Model Procurement Code.

It shall be the policy of the Board of Education to award a construction contract to the lowest responsible bidder. Administrative recommendations on the lowest responsible bidder will be based on procedures and criteria approved by the Board of Education and conforming to applicable Kansas statutes.

Administrative Implementation Procedures:

General

1. The Purchasing Department has the right to reject all bids or proposals when such rejection is considered to be in the best interest of the district.
2. Questions regarding Request for Bid/Proposal contents and/or options shall be directed to the contact person as designated in the Bid/Proposal.
3. The determination of a bid award shall be made on the basis of the following criteria:
 - a. A determination as to who is the lowest responsible bidder. Lowest responsible bidder means a bidder who possesses the skill, ability, judgment, general integrity, experience, reputation, and financial ability that assures good faith performance of the contract. In addition, lowest responsible bidder means the goods, wares, or materials to be purchased conform in every way to the specifications. Lowest responsible bidder also means a bidder whose bid confirms in all material respects to the Request (Invitation) for Bid(s).
 - b. Each line item on a bid response shall be evaluated separately, unless otherwise dictated by bid specifications.
 - c. The user department will be responsible for determining whether or not bids exceed budgeted funds.
4. Potential payment discounts will not be considered in bid awards, except in the case of identical bids. However, all vendors' invoices shall be discounted according to the terms recorded thereon.
5. In the event of identical line item bids by multiple vendors, an award shall be determined in the following order unless otherwise mandated by the funding source:
 - a. Payment discount advantage offered to the District.
 - b. **Local vendor.** An approved vendor of materials and services who maintains a distributing, manufacturing or processing facility within the confines of USD 259, Wichita, Sedgwick County, Kansas, and occupying real property or returning personal property appearing in the ad valorem tax rolls of the District.
 - c. **State vendor.** An approved vendor of materials and services who maintains a distributing, manufacturing, or processing facility within the confines of the state of Kansas, but outside USD 259, Wichita, Sedgwick County, Kansas.
 - d. A supervisor of Purchasing shall conduct a witnessed chance drawing.

Non-Construction

6. Requests for withdrawals of bids shall be governed by K.S.A. 75-6901 et seq.
7. The recommendation of an award for a competitive proposal shall be made on the basis of the following criteria:
 - a. Selection criteria as stated in the Request for Proposal.
 - b. Review of mandatory requirements and minimum firm requirements.
 - c. The proposal is in the best interest of the district.
 - d. Written justification for the recommendation and a synopsis of the proposals shall be provided by the Project Evaluation Team Chairperson and on file in the Purchasing Department.
 - e. Written recommendations for proposals costing \$20,000 or more will be provided to the Board of Education prior to purchase.
8. The Purchasing Department reserves the right to discuss and/or negotiate any or all parts of the request for proposal when it is in the best interest of the District or to clarify proposal content or options.

Construction

9. The Division Director of Facilities or designee will be responsible for evaluating bids submitted for construction work. In evaluating the bids, the Director of Design and Construction, or designee, will determine that bids submitted comply with plans and specifications.
10. The Division Director of Facilities or designee will be responsible for determining whether bids do not exceed funds allocated for the project.
11. The Division Director of Facilities or designee will be responsible for consulting with the Board of Education attorney, when appropriate, to determine that the forms of bids submitted conform to applicable laws.
12. The Division Director of Facilities or designee will be responsible for recommending acceptance of construction contracts—bids to the Board of Education for approval. The recommendation of accepting the bid shall be made on the basis of who is the lowest responsible bidder meeting all of the bidding requirements and complying with applicable local, state, and federal rules, regulations, and laws.
13. Construction contractors and major subcontractors shall be pre-approved to bid (see BOE Policy P7130 – Construction Contractors and Major Subcontractors Approval Requirements). Construction contractors and major subcontractors are subject to being debarred from bidding (see BOE policy P7130).
14. Requests for withdrawals of bids shall be governed by K.S.A. 75-6901 et seq.

Administrative Responsibility: Operations Division - Purchasing

Latest Revision Date: October 2017

Previous Revision Date: June 2012 P330