BP 3311 BIDS (1st Read)

The District shall purchase equipment, supplies and services on a competitive bidding basis when required by law and whenever it appears to be in the best interest of the District to do so. The Superintendent or designee shall establish procedures to implement these requirements. Prior to any purchase, the District should review the federal funding award or grant to determine if it requires compliance with OMB's procurement procedures.

Purchases Made Under Federal OMB Funding Awards

All bids under federal awards must be made in accordance with the standards set forth in 2 CFR 200.320, set forth below. One of the following five methods of procurement shall be used for each purchase under a federal award:

1. Micro-purchases: Less than $3,000 ($2,000 for purchases subject to the Davis-Bacon Act)
    a. No competitive quotes required
    b. Purchases should be spread among qualified suppliers
2. Small Purchases: Between $3,000 and $150,000
    a. Rate quotes must be obtained from an adequate number of qualified sources
    b. Quotes can be obtained from suppliers or from public websites
3. Sealed Bids: More than $150,000
    a. Two or more qualified bidders are required
    b. Bids must be publicly advertised and solicited from adequate suppliers
    c. Lowest bidder for the fixed price contract with specific requirements shall be awarded the contract
4. Competitive Proposals: More than $150,000
    a. A written policy must be adopted for conducting technical evaluations of reviewing proposals and selecting the recipient
5. Sole Source: Of any amount that meet one of the following four requirements:
    a. Good/service is only available from a single source
    b. Only one source can provide the good/service in the time frame required
    c. Written pre-approval from the Federal awarding agency
    d. Competition is deemed inadequate, after solicitation attempts through one of the other methods

To ensure that good value is received for funds expended, specifications shall be carefully designed and shall describe in detail the quality, delivery and service required.

Minority Bidding

When procuring contracts under federal awards set forth in 2 CFR 200.320, the District must take affirmative steps to utilize minority businesses, women's business enterprises, and labor surplus area firms when possible. Affirmative steps must include:

1. Placing qualified small and minority businesses and women's business enterprises on solicitation lists;
2. Assuring that small and minority businesses, and women's business enterprises are solicited whenever they are potential sources;
3. Dividing total requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation by small and minority businesses, and women's business enterprises;
4. Establishing delivery schedules, where the requirement permits, which encourage participation by small and minority businesses, and women's business enterprises;
5. Using the services and assistance, as appropriate, of such organizations as the Small Business Administration and the Minority Business Development Agency of the Department of Commerce; and
6. Requiring the prime contractor, if subcontracts are to be let, to take the affirmative steps listed in paragraphs 1-5 of this section.

(cf. 9270 - *Conflict of Interest)*

(cf. 4030 - *Nondiscrimination in Employment)*

(e. 3310 – Purchasing Procedures, Procurement)

Exemptions

The following items are exempted from formal purchasing procedures:

A. Instructional materials for which purchasing guidelines have been established by School Board Policy in BP 6161.1(a); or
B. In-service presenters, speakers, or curriculum, instruction, or staff development experts selected for particular and unique expertise; or
C. Professional or consultant services such as medical, legal, negotiation, technical, or educational, not including architectural/engineering design services; or
D. Professional or consultant services (such as property and casualty insurance) purchased jointly with Local, State, or Federal agencies; or
E. Public services, utilities or energy-related expenses, site licenses, upgrades, maintenance contracts, and specialized services, software, or equipment where

no competition exists (single source) or the District has established a need for standardization of equipment, supplies, or services; or

F. Emergency supplies or supplies and equipment that augment previously purchased items of a similar nature whereby the District would incur substantial costs to switch products or product lines; or
G. Purchases involving replacement of equipment where similar equipment is being traded in; or
H. Purchases involving items regulated by Fair Trade Statutes; or
I. Purchases made through cooperative purchasing agreements, existing Federal/State or inter-district contracts including GSA pricing; or when cooperatively bidding with other public agencies; or
J. Contracts or purchases when time is of the essence for reasons of health or safety, or to comply with legal requirements in a timely manner.
K. Proprietary (sole-source) items or services or items that are only available from a single source.

When applicable, prior to any purchase, the District should review the federal funding award or grant to determine if it requires compliance with Uniform Guidance OMB's procurement procedures.

(cf. 9270 - *Conflict of Interest)*

(cf. 4030 - *Nondiscrimination in Employment)*

(e. 3310 – *Purchasing Procedures, Procurement)*

Legal Reference:

ALASKA STATUTES

14.14.060 Relationship between borough school district and borough

14.14.060(h) Procurement of supplies and equipment

14.14.065 Relationship between city school district and city

14.03.085 Procurement preference for recycled Alaska products

29.71.050 Procurement preferences for recycled Alaska products

35.15 Construction Procedures

36.15.020 Use of local agricultural and fisheries products required in purchases with state money

ALASKA ADMINISTRATIVE CODE

4 AAC 27.085 Competitive pupil transportation proposals

4 AAC 31.080 Construction and acquisition of public school facilities

CODE OF FEDERAL REGULATIONS

2 C.F.R. 200.317-326, Procurement Standards

FAIRBANKS NORTH STAR BOROUGH SCHOOL DISTRICT v. BOWERS, 851 P.2d 56 (Alaska 1992)

AASB Adopted: 9/92

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CSD ADOPTED: 11/09/2022

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Cordova School District