

<b>WSESU</b>	<b>WSESU Code: F40</b>	
<b>Windsor Southeast Supervisory Union Policy Statement</b>	<b>First Reading:</b>	<b>02/21/2018</b>
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## **PROCUREMENT POLICY**

### **Purpose**

The purpose of this procedure is to ensure that all expenditures made at the Supervisory Union or at one of its member school districts from local funds, federal funds, and state grant funds are made in an open and competitive manner and in compliance with local, state and federal regulations. Salaries and benefits will not apply to this provision.

### **General Standards Include**

It is the practice of the Windsor Southeast Supervisory Union and its member Districts to adhere to the highest Standards. Those standards are designed to:

- (a) Avoid acquisition of unnecessary or duplicative items. Consideration will be given to consolidating or breaking out procurements to obtain a more economical purchase. Where appropriate, an analysis will be made of lease versus purchase alternatives, and any other appropriate analysis to determine the most economical approach.
- (b) Foster greater economy and efficiency, and in accordance with efforts to promote cost-effective use of shared services across the Supervisory Union and its member districts. It is encouraged that the Supervisory Union and its member districts enter into state and local intergovernmental agreements or inter-entity agreements where appropriate for procurement or use of common or shared goods and services.
- (c) Encourage available excess and surplus property in lieu of purchasing new equipment and property whenever such use is feasible and reduces project costs.
- (d) Ensure the Windsor Southeast Supervisory Union and its member districts award contracts only to responsible contractors possessing the ability to perform successfully under the terms and conditions of a proposed procurement. Consideration will be given to such matters as contractor integrity, compliance with public policy, record of past performance, and financial and technical resources.

### **Specific Procedures**

- (a) The Windsor Southeast Supervisory Union and its member districts will maintain records sufficient to detail the history of procurement. These records will include, but are not

necessarily limited to the following: rationale for the method of procurement, selection of contract type, contractor selection or rejection, and the basis for the contract price.

- (b) The Windsor Southeast Supervisory Union and its member districts may use a time and materials type contract only after a determination that no other contract is suitable and if the contract includes a ceiling price that the contractor exceeds at its own risk. Time and materials type contract means a contract whose cost to a non-Federal entity is the sum of:
- (c) The actual cost of materials; and
- (d) Direct labor hours charged at fixed hourly rates that reflect wages, general and administrative expenses, and profit.
- (e) The Windsor Southeast Supervisory Union and its member districts are responsible, in accordance with good administrative practice and sound business judgment, for the settlement of all contractual and administrative issues arising out of procurements. These issues include, but are not limited to, source evaluation, protests, disputes, and claims. These standards do not relieve the Supervisory Union or its member districts of any contractual responsibilities under its contracts. The Federal awarding agency will not substitute its judgment for that of the non-Federal entity unless the matter is primarily a Federal concern. Violations of law will be referred to the local, state, or Federal authority having proper jurisdiction.

### **Competition Requirements**

- (a) All procurement transactions must be conducted in a manner providing full and open competition consistent with the standards of this section. In order to ensure objective contractor performance and eliminate unfair competitive advantage, contractors that develop or draft specifications, requirements, statements of work, or invitations for bids or requests for proposals must be excluded from competing for such procurements. (b) The Windsor Southeast Supervisory Union and its member districts must conduct procurements in a manner that prohibits the use of statutorily or administratively imposed federal, state and local preferences in the evaluation of bids or proposals, except in those cases where applicable Federal or State statutes expressly mandate or encourage geographic preference. Nothing in this section preempts state licensing laws. When contracting for architectural and engineering (A/E) services, geographic location may be a selection criterion provided its application leaves an appropriate number of qualified firms, given the nature and size of the project, to compete for the contract.
- (b) It is the practice of the Windsor Southeast Supervisory Union and its member districts that the procurement procedures must ensure that all solicitations incorporate a clear and accurate description of the technical requirements; all requirements which the offerors must fulfill and all other factors to be used in evaluating bids or proposals;

- (c) The Windsor Southeast Supervisory Union and its member districts ensure that all prequalified lists of persons, firms, or products which are used in acquiring goods and services are current and include enough qualified sources to ensure maximum open and free competition. It is the practice of the Supervisory Union and its member districts to not preclude potential bidders from qualifying during the solicitation period.

### **Methods of Procurement**

The Windsor Southeast Supervisory Union and its member districts utilize one of the following methods of procurement.

- (a) **Procurement by micro-purchases and small purchases (Under \$10,000 to \$150,000 current threshold in CFR's).** Procurement by micro-purchase is the acquisition of supplies or services, the aggregate dollar amount of which does not exceed the micro-purchase threshold (CFR §200.67 Micro-purchase). To the extent practicable, the non-Federal entity must distribute micro-purchases equitably among qualified suppliers. Micro-purchases may be awarded without soliciting competitive quotations if the non-Federal entity considers the price to be reasonable.
- (b) **Procurement by sealed bids (formal advertising for excess of \$150,000).** Bids are publicly solicited and a firm fixed price contract (lump sum or unit price) is awarded to the responsible bidder whose bid, conforming with all the material terms and conditions of the invitation for bids, is the lowest in price. The sealed bid method is the preferred method for procuring construction, if the conditions in paragraph (c)(1) of this section apply.
  - (1) In order for sealed bidding to be feasible, the following conditions should be present:
    - (i) A complete, adequate, and realistic specification or purchase description is available;
    - (ii) Two or more responsible bidders are willing and able to compete effectively for the business; and
    - (iii) The procurement lends itself to a firm fixed price contract and the selection of the successful bidder can be made principally on the basis of price.
  - (2) If sealed bids are used, the following requirements apply:
    - (i) Bids must be solicited from an adequate number of known suppliers, providing them sufficient response time prior to the date set for opening the bids, for local, and tribal governments, the invitation for bids must be publicly advertised;
    - (ii) The invitation for bids, which will include any specifications and pertinent attachments, must define the items or services in order for the bidder to properly respond;

- (iii) All bids will be opened at the time and place prescribed in the invitation for bids, and for local and tribal governments, the bids must be opened publicly;
  - (iv) A firm fixed price contract award will be made in writing to the lowest responsive and responsible bidder. Where specified in bidding documents, factors such as discounts, transportation cost, and life cycle costs must be considered in determining which bid is lowest. Payment discounts will only be used to determine the low bid when prior experience indicates that such discounts are usually taken advantage of; and
  - (v) Any or all bids may be rejected if there is a sound documented reason.
- (c) **Procurement by competitive proposals (\$15,000 or greater).** The technique of competitive proposals is normally conducted with more than one source submitting an offer, and either a fixed price or cost-reimbursement type contract is awarded. It is generally used when conditions are not appropriate for the use of sealed bids. If this method is used, the following requirements apply:
- (1) Requests for proposals must be publicized and identify all evaluation factors and their relative importance. Any response to publicized requests for proposals must be considered to the maximum extent practical;
  - (2) Proposals must be solicited from an adequate number of qualified sources;
  - (3) The non-Federal entity must have a written method for conducting technical evaluations of the proposals received and for selecting recipients;
  - (4) The Windsor Southeast Supervisory Union and member districts may use competitive proposal procedures for qualifications-based procurement of architectural/engineering (A/E) professional services whereby competitors' qualifications are evaluated and the most qualified competitor is selected, subject to negotiation of fair and reasonable compensation. The method, where price is not used as a selection factor, can only be used in procurement of A/E professional services. It cannot be used to purchase other types of services though A/E firms are a potential source to perform the proposed effort.