

*Adopted: May 9, 2016*

*Revised: February 26, 2024*

## **799 BIDDING REQUIREMENTS**

### **I. PURPOSE**

The purpose of this policy is to establish the rules for purchasing goods and services for District purposes through bidding procedures, requests for proposals, and when these processes are not required.

### **II. GENERAL STATEMENT OF POLICY**

- A. Competitive bidding shall be practiced by securing oral, written or electronic quotations from suppliers and by making awards to the lowest responsible bidder meeting specifications when required.
- B. As an alternative to the procurement methods described above, the Board of Directors may award a contract for construction, alteration, repair or maintenance work to the vendor or contractor offering the best value under a request for proposals as described in Minnesota Law.
- C. For any contract estimated to be in excess of Twenty-Five Thousand Dollars (\$25,000), the Superintendent or Superintendent's designee must determine whether or not a cooperative purchasing venture exists regarding the items to be purchased, and if such a cooperative purchasing venture exists must first evaluate if the state's venture meets the availability, price and quality standards required by the District. If the standards are met, the District must use the state's cooperative purchasing venture for procurement. In all covered events the determination and evaluation must occur prior to proceeding to purchase the items otherwise.
- D. Contracts exceeding \$25,000 but not \$175,000: If the amount of the contract is estimated to exceed \$25,000 but not to exceed \$175,000, the contract may be made either upon sealed bids or by direct negotiation, by obtaining two or more quotations for the purchase or sale when possible, and without advertising for bids or otherwise complying with the requirements of competitive bidding. All quotations obtained shall be kept on file for a period of at least one year after receipt thereof.
- E. If the amount of the contract for work, labor, or materials except as to professional services or books registered under the copyright laws, is estimated to exceed Twenty-Five Thousand Dollars (\$25,000) but not to exceed One Hundred Seventy Five Thousand Dollars (\$175,000), the contract may be made upon any of the following methods agreed to in advance by the requesting school or department and the Superintendent or Superintendent's designee:
  - 1. by sealed bids, advertised as required by law, or
  - 2. through a request for proposals process, or
  - 3. by direct negotiation, or
  - 4. by obtaining two or more quotations for the purchase or sale when possible.

All quotations obtained shall be kept on file for a period of at least one year after receipt thereof.

- F. If the amount of the contract is estimated to be less than Twenty-Five Thousand Dollars (\$25,000), the contract may be made either upon quotation or in the open market, but, so far as practicable, shall be based on at least two quotations which shall be kept on file for a period of at least one year after receipt thereof.
- G. Notwithstanding other sections of this policy, a contract for the transportation of students or for the purchase of petroleum heating fuel or fuel for district vehicles may be made by direct negotiation, by obtaining two or more written quotations for the service when possible or upon sealed bids.
  - 1. At least thirty (30) days before awarding a directly negotiated contract the Superintendent or Superintendent's designee shall, by published notice, request quotations for the service to be provided.
  - 2. All quotations obtained must be kept on file for a period of at least one year after receipt.
  - 3. If a contract is made by direct negotiation, all quotations shall be public information.
  - 4. If a contract is made by sealed bids, the procedure for advertising and awarding bids shall conform to the methods used in Paragraph II.A.
- H. A "contract" means an agreement entered into by the Board of Directors for the sale or purchase of supplies, materials, equipment or for the rental thereof, or for the construction, alteration, repair or maintenance of real or personal property.

### **III. RESPONSIBILITY**

The Superintendent is authorized to promulgate regulations to implement this policy.

**Legal References:** Minn. Stat. § 16C.28, subd.1, paragraph (a), clause (2) and paragraph (c) (Contracts; Award) Minn. Stat. § 123B.52 (Contracts)  
Minn. Stat. § 471.345 (Uniform Municipal Contracting Law)  
Minn. Stat. § 16C.105 (Cooperative Authorized)