

Calvert County Public Schools
1305 Dares Beach Road
Prince Frederick, MD 20678

**Policy Statement #5510 (Business) of the Board of Education
Regarding Bidding**

I. Purpose

- A. The purpose of this policy is to acquire on a timely basis at the best possible value, the goods and services necessary to support Calvert County Public Schools (CCPS). Methods of procurement include: Emergency Purchases, Exempt Purchases, Intergovernmental Cooperating Purchase Agreement (ICPA), Invitation to Bid (ITB), Request for Proposal (RFP), Request for Quotes (RFQ), and Sole Source Procurement.

II. Definition

- A. Contract – A written agreement, fully executed by authorized parties, that is entered into by the Board of Education for the purchase of goods, services, equipment or the rental therefore or the construction, alteration, repair or maintenance of real property.
- B. Goods and services – All purchasing requirements needed to operate Calvert County Public Schools such as: school buildings, building and site improvements, supplies, and equipment over the dollar threshold specified herein. Purchases that are exempt from goods and services by law for the purpose of this policy are: books, materials of instruction, emergency repair and/or purchases, and certain professional services.
- C. Invitation to Bid (ITB) – A procurement method that is publicly posted to elicit sealed bids from potential vendors for goods or services that clearly delineates a Statement of Work (SOW) and deliverables associated with the goods or services and establishes a framework for execution.
- D. Request for Proposal (RFP) - A procurement method for the solicitation of competitive sealed proposals which are evaluated on the basis of criteria that can include but are not limited to price. This method is used when a specification or SOW has not yet been developed or when only a general requirement exists and there is a need to solicit various ideas on how a requirement can best be met. Evaluation shall be based on the criteria set forth in the RFP to determine which proposal best satisfies the requirements.
- E. Request for Quotes (RFQ) - A procurement method that is used when a specification or SOW has been defined and a user agency or buyer needs only to obtain price, delivery and other specific terms from the vendors to select the most appropriate source.
- F. Sole Source - A non-competitive purchase of supplies or services that is available from a single source. Circumstances that could necessitate sole source procurement are as follows:
1. When only one source for that good or service exists that meets the requirements;

Business #5510

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Page 1 of 5

2. when the compatibility of equipment, accessories or replacement parts is the paramount consideration;
 3. when a sole vendor's item is needed for trial use or testing and evaluation;
 4. when competition is restricted by distributor agreements with manufacturers; and
 5. when a public utility service is to be procured and only one source exists
- G. Emergency Purchases - An emergency purchase means a purchase necessitated by a sudden and unexpected occurrence or condition which school district management could not reasonably foresee, that requires immediate action to avoid immediate disruption of the educational process or to mitigate serious damage to public health, safety, or welfare. Emergency procurement shall be limited to the purchase of supplies, services, or construction necessary to meet the emergency.
- H. Exempt Purchases - Purchases of goods or services that are exempt from the requirement to competitively bid the purchase. Exempt items include textbooks, library books, and materials of instruction, specialized materials, emergency repairs and/or purchases, and certain professional services as specified by law. The Board is sometimes the recipient of federal grant awards. In compliance with 2 CFR Part 200, expenditure of federal funds may not be eligible for this exemption and will require documentation of full and open competition or approval as a sole source purchase.
- I. Intergovernmental Cooperative Purchase Agreement (ICPA) - A contract that is entered into by at least one governmental entity, that is available for use by the governmental entity entering the contract and at least one additional governmental entity which may, but need not be, an original party to the contract, and that is intended to promote efficiency and savings that can result from intergovernmental cooperative purchasing.
- J. Co-Operative Purchases – CCPS participation in contracts for goods or commodities that are awarded by other public agencies or by intergovernmental purchasing organizations if the lead agency for the contract follows public bidding procedures.

III. Policy Statement

- A. The Board of Education of Calvert County recognizes the need to ensure that all purchases for goods and services are made in the most effective, efficient, transparent, and prudent manner possible. Therefore, the bidding procedures established by Calvert County Public Schools will encourage a highly competitive procurement environment that will attract active participation from all segments of the business community, thereby achieving best pricing, high quality, and timely delivery of all goods and services.
- B. As established by State law, the school district may use an intergovernmental cooperative purchasing agreement (ICPA) for qualified purchases only after a written determination or assessment has concluded that the use of such an arrangement will provide cost benefits, promote administrative efficiencies, or promote intergovernmental cooperation.

IV. Standards

Business #5510

Originally Adopted: 3/23/06

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Page 2 of 5

- A. Sole source purchases with an expected cumulative cost below \$25,000 may be approved by the Superintendent or the Board. Sole source purchase with an expected cumulative cost of \$25,000 or more may only be approved by the Board.
- B. Exempt purchases of \$25,000 and above require Board approval.
- C. ICPA agreements
 - 1. ICPA agreements for goods and/or services below \$25,000 may be executed by the Superintendent.
 - 2. ICPA agreements for goods and/or services of \$25,000 or more may only be approved by the Board. The Board requires written justification for any ICPA agreement presented thereto for approval.
 - 3. The Calvert County Public Schools' Superintendent or designee must ensure any executed ICPA was awarded through a competitive procurement process and must require the execution of an addendum documenting the school system's participation and ensuring incorporation of any local required terms and conditions.
 - 4. The following requirements of state law and best practices, outlined by the Institute of Public Procurement, must be documented in writing for all ICPA purchases:
 - a. a cost/benefit analysis to the district of using an ICPA versus the costs of conducting competitive solicitations;
 - b. the research, comparison, and evaluation of available ICPAs;
 - c. verification that the ICPA has a clause allowing utilization by other parties;
 - d. verification that the ICPA solicitation was competitively bid and publicly advertised to include obtaining the originating agency's competitive procurement documentation (including public advertisements and proposal evaluations);
 - e. verification that the terms, scope of services, specifications, and price meet the district's needs;
 - f. the executed addendum of participation with the lead contract agency, including the removal or incorporation of necessary local terms and conditions;
 - g. a copy of the ICPA and related price lists for invoice verification.
- D. Award of contracts shall be made to the most responsive and responsible bidder that provides the best value with consideration also given to:
 - 1. Conformance with bid specifications
 - 2. The lead time required for goods or services

V. Tiered Purchase Thresholds

Business #5510

Originally Adopted: 3/23/06

Revised: 3/12/09; 3/8/12; 4/14/16; 5/7/20; 6/13/24

Page 3 of 5

- A. Board approval is required for all purchases of \$25,000 and higher except for exempt purchases as specified above. The following procurement methods will be required:
 - 1. Competitive Bidding Not Required:
 - a. \$0 to \$999: Written quotes and competitive bids are not required
 - b. \$1,000 to \$4,999: A written quote must be received from at least one vendor
 - c. \$5,000 to \$25,000: Written quotes must be received from at least two vendors
 - d. \$25,000 to \$50,000: Written quotes must be received from at least three vendors
 - 2. Competitive Bidding Required:
 - a. \$50,000+: Written, competitive, sealed bids are required from at least two vendors unless otherwise specified by COMAR.

VI. Delegation of Authority

- A. The Superintendent of Schools is directed to develop administrative procedures to implement this policy in accordance with all local policies and local, state and federal laws and regulations, and to communicate this policy and accompanying procedures to all relevant parties.

VII. Exceptions

- A. There are no exceptions to this policy. However, the Board, by majority vote, may temporarily suspend all or part of this policy. Suspension of all or part of this policy, however, in no way relieves the Board of its obligation to comply with the applicable local, state and federal laws and regulations or the rules and regulations of the Maryland State Board of Education and the Maryland State Department of Education.

VIII. Review

- A. This policy will be reviewed at the end of four years, or sooner, if approved by majority vote of the Board of Education in public session.

IX. Effective Date

- A. This policy is effective June 13, 2024.

Citations

State Law: §11-722 of the Criminal Procedure Article of the Annotated Code of Maryland; §§ 5-112 and 7-910 of the Education Article of the Annotated Code of Maryland; §§13-110; 14-301-308, 16-201, 17-101-110, and 17-201-226 of the State Finance and Procurement Article of the Annotated Code of Maryland

State Reg.: COMAR 13A.05.02.13H

Federal Law: 2 CFR Part 200

Business #5510

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Revised: 3/12/09; 3/8/12; 4/14/16; 5/7/20; 6/13/24

Page 4 of 5

Adm. Reg.:
Neg. Agr.:
Other Citation:

Related Policies:

1930 Sexual Offenders