Series 3000: Operations, Finance, and Property

3300 Facilities, Real, and Personal Property

3301 Purchasing and Procurement

This Policy applies to all purchases of materials, supplies, and equipment. Purchases acquired through lease financing are governed by this Policy, but true leases (i.e., rental agreements) are not.

A. Responsibility for Purchasing

The District's administration, under the Superintendent's supervision, may purchase items for the District, subject to Policy 2202 subsection C and any other parameters established by the Board.

B. When Competitive Bidding is Required

1. The District must competitively bid the purchase of an item or group of items costing an amount equal to or greater than the then-current state bid threshold published annually by MDE.

2. The District does not need to competitively bid a purchase in an emergency or if competitive bidding is not required by law.

3. The District will not artificially segregate purchases into smaller orders to avoid the bid threshold.

C. Bidding Procedure

1. The District may competitively bid a purchase using 1 or more of the following methods:

   a. Requesting written price quotations from at least 3 known and practical vendors of an item;

   b. Distributing a request for proposals to at least 3 known and practical vendors of an item;

   c. Posting a request for proposals on the District's website or any other website that regularly informs vendors of bid opportunities;

   d. Selecting a contract awarded to a winning bidder under a bid process operated by a reputable bid cooperative if the District determines, after reasonable due diligence, that the contract price is comparable to current market rates for the purchased item; or

   e. Any other process, in the Superintendent's or designee's discretion, that is likely to result in at least 3 known vendors providing bids for the item sought, regardless of whether at least 3 bids are actually received.

© 2024 THRUN LAW FIRM, P.C. POLICY SERVICE

2. Each bidder responding to a request for proposals must certify that it is not an Iran-linked business as defined by MCL 129.312.

3. Awarding Bids

   a. If competitive bidding is required by law, any contract must be awarded by the Board to the lowest responsible bidder.

   b. In determining bidder responsibility, the District may take 1 or more of the following into account:

      - The District's experience with the bidder;
      - Others' experience with the bidder;
      - The bidder's history of satisfactory performance or questionable litigation, protests, or disputes;
      - The bidder's capitalization and solvency;
      - The length of time the bidder has been engaged in its business;
      - The recommendation of the District's professional consultants; and
      - Any other factor consistently and lawfully applied.

   c. In any bid procedure, the District reserves the right to reject any or all bids or waive any informalities or irregularities in the bid process.

4. Michigan-Based Business Preference

   a. The District may give up to a 10% preference to a bidder that is a Michigan-based business as defined by MCL 18.1268.

   b. The Michigan-based business preference will not apply if federal funds are used for the purchase.

D. Purchases Using State Aid Act Funds

1. The District will not use state aid to purchase foreign goods or services if American goods or services are available, competitively priced, and of comparable quality.

2. The District will give a preference to goods or services manufactured or provided by Michigan businesses if competitively priced and of comparable quality.

3. The District will give a preference to goods or services manufactured or provided by Michigan businesses owned and operated by veterans if competitively priced and of comparable quality.

© 2024 THRUN LAW FIRM, P.C. POLICY SERVICE

E. Purchases Using Federal Funds

Purchases made with federal funds and subject to the federal Uniform Grant Guidance are also governed by Policy 3301A.

Legal authority: 2 CFR 200.1 et seq.; MCL 129.311 et seq.; MCL 380.623a; MCL 388.1764c

Date adopted: 08/20/2024

Date revised: 08/12/2024

© 2024 THRUN LAW FIRM, P.C. POLICY SERVICE