

CHAPTER 15

COMPETITIVE SEALED BIDS

15-1 **PURPOSE**

The purpose of this chapter is to establish procedures for the purchase of goods and services using competitive sealed bidding.

15-2 **AUTHORITY**

School Board Policy 6.14.

15-3 **DEFINITION**

A competitive sealed bid is a method of source selection for a purchase estimated to be in excess of \$50,000 in which award is made to the lowest responsive and responsible bidder whose bid complies with the specifications contained in the Invitation to Bid (bid).

15-4 **PROCEDURES**

A. **General**. The competitive sealed bid process includes the following element:

1. Issuance of a written bid;
2. Public notice of the bid will be made by posting on <https://www.bidnetdirect.com/palmbeachschools>. In addition, certain bids may be advertised in the Palm Beach Post or other advertisement venues for exposure.
3. Public opening at the date and time advertised and announcement of all bids received;
4. Evaluation of bids based upon the requirements set forth in the bid; and
5. Award to the lowest responsive and responsible bidder meeting the terms and specifications.

B. **School/Department responsibilities**. The requesting school/department is responsible for the following during the competitive sealed bid process:

1. Submit a funded purchase request with an attached set of specifications describing the design or performance characteristics of the goods or services required;
 - a. Complete a Conflict of Interest Certification Form for School District of Palm Beach County Employee Who Contributes to the Development of a Scope of Work. (See Example Enclosure 15-1)
2. Review with the Purchasing Department the bids received to be certain that the offered products meet the specifications of the bid;
3. Document reasons, based on the specifications, why a bidder should not be considered for an award, if necessary; and

4. Provide support to prepare the Board Agenda and answer Board Questions if Bid results require Board Approval.

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C. **Purchasing responsibilities**. The Purchasing Department is responsible for the following during the competitive sealed bid process:

1. Prepare bid documents based upon the request and specifications submitted by the school/department to assure that the process is open, equitable and fair to all potential vendors;
2. Issue and post notification of the sealed bid requirement;
3. Receive and secure bids prior to bid opening. Receiving and securing of bids will be done electronically with <https://www.bidnetdirect.com/palmbeachschools> in a secured mailbox online;
4. Open bids at the date and time given in the bid;
5. Analyze the bids to determine the apparent lowest responsive and responsible bidder;
6. Provide copies of the apparent lowest responsive and responsible bid and the results of the Purchasing Department's analysis to the requesting school/ department for its review;
7. Recommend and post the award to the lowest responsive and responsible bidder meeting the specifications.
8. Prepare Board Agenda Item if needed. Bids which result in a contract that exceeds \$250,000 per vendor per fiscal year require Board Award.
9. Schedule the Final Contract Review Process with the Contract Manager and the District's Contract Administrator.

15-5 PROCESSING TIMES

The following are time guidelines for review of documents:

- A. School/Department review. A school/department should *take no more than five (5) work days* to review a draft bid document or the results of a sealed bid and return its recommendations to Purchasing.
- B. Purchasing review. The Purchasing Department works to review and analyze bid and forwards its recommendation for award.
- C. All those involved need to be notified of the delay whenever a review is expected to require additional analysis.

15-6 DETERMINATION OF NON-RESPONSIVENESS

The following are reasons that a bid may be declared non-responsive:

- A. The bidder failed to sign the bid offer or the bidder failed to complete required forms and certificates;

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- B. The bidder changed delivery terms, i.e., the bidder changed "FOB Destination" to "FOB Shipping Point";
- C. The bidder did not offer goods or services that complied with the specifications of the bid; or
- D. The bidder did not offer firm prices.

15-7 DETERMINATION OF NON-RESPONSIBILITY

The following are reasons a bidder may be declared non-responsible:

- A. The bidder is not a regular dealer or supplier of the goods and services offered;
- B. The bidder does not have the ability to comply with the required delivery or performance schedule;
- C. The bidder does not have a satisfactory record performance as documented **prior to the receipt of bids** by the requesting school/department, the Division or other jurisdictions;
- D. The bidder shall be declared non-responsible if they are debarred by the District, by the State of Florida or the Federal Government*. They may be considered non-responsible if they do not have a satisfactory record of integrity or if they are debarred or suspended by another governmental jurisdiction; and
- E. The bidder does not have the necessary facilities, organization, experience, technical skills or financial resources to fulfill the terms of the purchase order or contract.

*The link to the System for Award Management (SAM) is:

<https://www.sam.gov/portal/public/SAM/>

15-8 CONFIDENTIALITY

After bids are opened, they become confidential until the Purchasing Agent posts the award recommendation of the contract or twenty days, whichever comes first.

During this time, Department staff shall not discuss bids with competing vendors. Vendor questions must be referred to the Purchasing Department. School/Department staff should not discuss with any vendor the recommended award or the reasons for awarding or not awarding to any bidder.

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ENCLOSURE 15-1

**Conflict of Interest Certification Form For
School District of Palm Beach County Employee Who Contributes To the Development of
a Scope of Work**

I hereby certify that I have read School District of Palm Beach County Policy 3.02 *Code of Ethics* and that, to the best of my knowledge and belief, neither I nor any relative* or domestic partner is an officer, director, trustee, partner (general or limited), employee or regularly retained consultant of any company, firm or organization that may respond to a competitive solicitation that contains a Scope of Work for (LIST THE BID or RFQ TITLE) developed by me, or has a direct or indirect financial interest, economic interest, or business relationship with any offeror, or to a direct competitor of any offeror that may respond to a competitive solicitation that contains a Scope of Work for (LIST THE BID or RFQ TITLE) developed by me.

I further certify that neither I nor any relative or domestic partner, to the best of my knowledge and belief, has accepted any gift, loan, reward, promise of future employment, favor, service, lodging, dining or entertainment gratuities from any offeror or direct competitor of any offeror that may respond to a competitive solicitation that contains a Scope of Work for (LIST THE BID or RFQ TITLE) developed by me, which would have influenced my input, compromised my judgment or prevented me from objectively developing a Scope of Work for (LIST THE BID or RFQ TITLE).

Furthermore, I agree to notify the Purchasing Director in writing if I learn that my, or any of my relatives or domestic partner's, financial, business or economic relationship with any business within this commodity changes at any time.

Signature

Signature

Printed Name

Printed Name

Department

Department

Date

Date
Bid/RFQ Number

*"Relative" means an individual who is related to a public officer or employee as father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half-brother, half-sister, grandparent, great

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grandparent, grandchild, great grandchild, step grandparent, step great grandparent, step grandchild, step great grandchild, person who is engaged to be married to the public officer or employee or who otherwise holds himself or herself out as or is generally known as the person whom the public officer or employee intends to marry or with whom the public officer or employee intends to form a household, or any other natural person having the same legal residence as the public officer or employee.