
PURCHASING

*The Ansonia City Charter provides provisions for purchasing
in Section 138 (Contracts and Purchasing)*

I. DEFINITIONS

For purposes of this policy:

- A. “Goods or service” includes, but is not limited to, portable classrooms, motor vehicles or materials and equipment, such as telephone systems, computers and copy machines.
- B. “General services” include all services that result in a measurable end product that can be defined by bid specifications and all services used in the process of building or altering property (excluding architectural, engineering and other design services).
- C. “Property” means real property or personal property.
- D. “Special or Professional Services” are those that involve the furnishing of judgment, expertise, advice or effort by persons other than Ansonia Board of Education (“Board”) employees, and may result in the delivery of reports, recommendations, designs, or other documents to assist the Board with a project or venture, but need not involve the delivery of a specific end product that is defined by bid specifications. Examples of Professional Services include, but are not limited to, in-service instructional leaders, pupil services personnel, special education evaluators, interpreters, tutors, computer programmers, architects, auditors, attorneys, instructional consultants, and temporary agencies. Examples of Special Services include, but are not limited to, repair services for Board property, equipment and vehicles where the nature of the repair cannot be defined in advance by bid specifications and the professional expertise of the service provider is critical.

II. REQUIREMENTS APPLICABLE TO PURCHASES OF ALL GOODS AND SERVICES

A. Consultation with Municipality Regarding Contracts for Goods or Services

After going out to bid for a good or service and receiving submissions, if the local municipality uses such good or service, the Board shall consult with the legislative body of the municipality, or in the case of a municipality for which the legislative body is a town meeting or representative town meeting, the board of selectmen, and, if the equivalent level of such good or service is provided by the municipality through a municipal contract for a lower cost than the

lowest qualified bid submission received by the Board, the Board will consider a cooperative agreement with the local municipality for the provision of such good or service.

B. Consultation with Municipality Regarding Contracts for Payroll Software and Insurance

The Board will consult with the local municipality's legislative body, or in the case of a municipality for which the legislative body is a town meeting or representative town meeting, the board of selectmen, prior to purchasing payroll processing or accounts payable software systems to determine whether such systems may be purchased or shared on a regional basis.

When possible, the Board will consult with the local municipality's legislative body, or in the case of a municipality for which the legislative body is a town meeting or representative town meeting, the board of selectmen, regarding the joint purchasing of property insurance, casualty insurance, and workers' compensation insurance.

III. THRESHOLD PROCUREMENT AMOUNTS

The following thresholds shall apply to the Board's procurement of goods or general services and special or professional services.

	Anticipated Expenditure	Procedure
Goods or General Services	Under \$25,000	Direct purchase from the vendor. Competitive quotes and/or bidding not required.
Goods or General Services	\$25,000 to \$39,999.99	Competitive quotes required. See Section V.
Goods or General Services	\$40,000 or more	Competitive quotes required. See Section IV.
Special or Professional Services	Under \$25,000	Competitive proposals not required.
Special or Professional Services	\$25,000 to \$39,999.99	Competitive quotes required. See Section VI.
Special or Professional Services	\$40,000 or more	Competitive quotes required. See Section VI.

IV. GOOD OR GENERAL SERVICES: COMPETITIVE BIDDING PROCESS

A. Purchases Requiring Competitive Bidding Process \$25,000 or More

Purchases of goods or general services, including high technology equipment, expected to involve an expenditure of \$25,000 or more must be made by sealed competitive bid. As set forth below, such purchases in the amount of at least \$25,000, but less than \$40,000, may be awarded by the Superintendent or designee (collectively referred to as "Superintendent"). Such purchases in the amount of \$40,000 or more must be awarded by the Board.

B. Bid Specifications

When competitive bidding is required, all requirements, terms and conditions describing and detailing the goods or general services to be purchased must be included in the bid specifications. The bid specifications should define the requirements for quality of materials, equipment and/or services to be procured, and as such, they should clearly and accurately reflect the required characteristics of the goods and services. The bid specifications should also include any vendor or contractor qualification requirements, a school district contact person responsible for all communications with prospective bidders, a requirement that all communications between the school district contact person and prospective bidders be in writing and, if the purchase will require entering into a contract, a form of contract whenever possible.

The Superintendent shall develop the proposed bid specifications and other bid documents.

C. Advertising

A legal notice inviting sealed bids shall be published by the Superintendent on the website of the municipality and/or Board and in daily local newspaper, if publication is required by law. At least five (5) calendar days must intervene between the date of the website and/or newspaper publication and the final date for submitting bids. The notice shall contain a general description of the goods or services being bid, the school district contact person and the day, hour and place of the bid opening and may contain other information relating to the bid including, but not limited to, where and when bid packages may be obtained.

D. Bid Openings and Awards

All bids, and bid security if applicable, must be submitted to the Superintendent in sealed envelopes and show on the face of the envelopes the bid number, the title of the bid and the bidder's name. All envelopes will be date stamped as received.

All bids shall be opened in public, and the name of the bidder(s) and total costs(s) shall be read aloud at the time stated in the legal notice. No bids shall be accepted, or opened, that were not submitted in compliance with the procedures set forth in the notice advertising the bid.

Within a reasonable time following the bid opening, the Superintendent will tabulate and analyze the bids. For contracts of at least \$25,000, but less than \$40,000, the Superintendent shall make a provisional award, subject to finalization of the contract or other applicable conditions, to the Selected Bidder, as that term is defined below. For contracts of \$40,000 or more, the Board shall make a provisional award, subject finalization of the contract or other applicable conditions, to the Selected Bidder, as that term is defined below.

A record of all bids submitted, giving the names of the bidders, the amounts of the bids and indicating the successful bidder, shall be preserved by the Superintendent in accordance with State law.

E. Bid Security

When, in the judgment of the Superintendent, bid security is advisable, all bids must be accompanied by security in one of the following forms - certified check, cashier's check, personal money order, letter of credit or bid bond. The requirement for, and the amount of, the security must be set forth in the bid advertisement. All security presented must show the "Ansonia Board of Education" as the payee.

F. Requirements Governing Bid Awards

The award shall be made to the bidder (1) whose bid meets the requirements, terms and conditions contained in the bid specifications and (2) is deemed to meet the criteria identified below among those bidders possessing the skill, ability and integrity necessary for faithful performance of the work (the "Selected Bidder"). To be considered as a Selected Bidder, the bidder must have submitted all of the required information identified in the bid specifications. The determination of the Selected Bidder shall then be made after consideration of the objective criteria identified below and after consideration of a cooperative agreement with the municipality as described in Section I.B, above. Unless otherwise required by law, the Board reserves the right to award the bid to a Selected Bidder that is not the lowest bidder. In such instance, the reason for the selection shall be documented and preserved by the Superintendent or as may be required by law

In determining the Selected Bidder the following criteria will be considered, as applicable:

- (1) The ability and capacity of the bidder to perform the work based on an evaluation of the character, integrity, reputation and experience of the bidder. Consideration shall be given to previous work performed by the bidder for the Board or for other agencies, including the quality and degree of satisfaction with the work performed.
- (2) The financial resources of the bidder and the bidder's ability to secure any required bonds and/or insurance.

- (3) Compliance by the bidder with all applicable federal, state and local laws, including any licensing requirements.
- (4) Delivery or completion time.
- (5) Cost and/or considerations of additional value included in the proposal
- (6) Involvement in litigation.

Should a situation arise where it is impossible to distinguish between two bidders to identify the Selected Bidder, and one of the bidders has its principal place of business located within the City of Ansonia, the award will be made to the local bidder.

G. Rejection of Bids

The Superintendent has the right to reject any and all bids in whole or in part. Any or all bids may be rejected if there is any reason to believe that collusion exists among the bidders. Individual bids may be rejected for irregularities of any kind, including, without limitation, alteration of form, additions not called for, conditional bids, incomplete bids and unexplained erasures.

The Superintendent retains the right to waive any formality or procedural irregularities in the bids received. Nothing in this Section should be construed to limit in any way the right of the Board of the Superintendent to reject any and all bids.

H. Advisement Of Bid Award

Upon acceptance of the Selected Bidder, a letter will be sent to the successful bidder(s) announcing the selection of the chosen bidder. All unsuccessful bidders will be sent a letter notifying them that they were not selected.

V. GOODS OR GENERAL SERVICES: COMPETITIVE QUOTATION PROCESS

A. Purchases Requiring Competitive Quotation Process

Price quotations should be requested for all purchases of goods or general services, including high technology equipment, expected to involve an expenditure of at least \$25,000 but less than \$40,000. Purchases of goods or services that involve an expenditure of less than \$25,000 may be made directly, without regard to any competitive bid or quotation process. Waivers from the quotation process are available for the same reasons that Waivers are available from the bidding process. (See Section VII.)

B. Process for Obtaining Quotations

Generally quotations, either oral or written, should be solicited by the Superintendent from at least three (3) vendors or obtained from current catalogues or price sheets. The refusal of an otherwise valid supplier to quote shall qualify as a quotation. The quotation process does not require a public opening, and the Superintendent may send requests to a limited number of

selected vendors. If such request includes a date for submission of quotations, vendors must furnish all of the necessary information to the Superintendent by the specified date.

The purchase shall be awarded to the provider whose proposal is deemed to best provide the good and/or services desired, taking into account cost and the project requirements, and after consideration of a cooperative agreement with the municipality as described in Section I.B, above.

VI. SPECIAL OR PROFESSIONAL SERVICES: COMPETITIVE PROPOSAL PROCESS

A. Purchases Requiring Competitive Proposal Process

Purchases of Special or Professional Services shall be made by competitive proposal should the situation warrant if the purchase exceeds the monetary thresholds set forth below. Waivers from the competitive proposal process are available for the same reasons that Waivers are available from the bidding process. (See Section VII.) Funds must be available in the proper account in order to solicit proposals.

Purchases of Special or Professional Services that are expected to be less than \$25,000 shall be made directly by the Superintendent, without regard to a competitive proposal process.

B. Informal Competitive Proposal Process \$25,000 to \$40,000

Purchases of Special or Professional Services for at least \$25,000 but less than \$40,000 shall be based upon a reasonable and documented attempt to solicit proposals. Where possible, proposals should be solicited from at least three (3) potential service providers. The refusal to submit a proposal from an otherwise valid provider shall qualify as a proposal. The process shall be documented in writing by the Superintendent. If a single reasonable source exists for the service, this fact shall be documented in writing.

An evaluation of the proposals received will be made by the Superintendent. The Superintendent shall provisionally award the contract, subject to finalization of the contract or other applicable conditions, to the service provider whose proposal is deemed to best provide the services desired, taking into account cost and the project requirements. Nothing in this Section should be construed to limit in any way the right of the Superintendent to reject any and all proposals.

A record of all proposals submitted, giving the names of the service providers, the amount of the proposal and indicating the successful provider, shall be preserved by the Superintendent in accordance with State law.

C. Formal Competitive Proposal Process \$40,000 or more

A Request for Proposals ("RFP") for purchases of Special or Professional Services for \$40,000 or more shall be prepared by the Superintendent. All requirements, terms and

conditions, including provider qualifications, should be included in the RFP, as well as a draft form of contract whenever possible. The award of any such contracts for \$40,000 or more shall be approved by the Board.

The Superintendent will arrange to have a legal notice requesting proposals published on the website of the municipality and/or the Board and in a daily local newspaper, if publication in a newspaper is required by law, at least ten (10) business days prior to the deadline for submitting proposals. Whenever the Superintendent determines that the service requested is so specialized that few appropriate providers can reasonably be expected to respond to the notice, the Superintendent may substitute another means of notifying potential providers of the RFP in lieu of such website and/or newspaper notice, except as required by law. Any advertisement or other notice of the RFP shall include the general description of the services sought and the location where RFPs may be obtained.

An evaluation of the proposals will be made by the Superintendent. The contract shall be provisionally awarded, subject to the finalization of the contract or other applicable conditions, to the service provider whose proposal is deemed to best provide the services desired, taking into account cost and the requirements, terms and conditions contained in the RFP. Nothing in this Section should be construed to limit in any way the right of the Superintendent to reject any and all proposals.

A record of all proposals submitted, giving the names of the service providers, the amount of the proposal and indicating the successful provider, shall be preserved by the Superintendent in accordance with State law.

VII. WAIVERS

In certain situations the bidding, quotation and proposal processes described above may be waived even though the estimated cost exceeds the dollar threshold established by the Board. The processes identified in this policy may be waived for any of the following reasons:

- (1) Only one (1) reasonable or qualified source can be identified. This shall include situations such as the purchase of copyrighted materials and textbooks.
- (2) Time is a critical factor, and taking the time necessary to comply with the formal process would not be in the best interests of the school district.
- (3) In the opinion of the Superintendent, an emergency requires the purchase of goods or services to avoid injury or damage to human life or property.
- (4) A special source, including but not limited to a sale, purchasing plan, government discount or trade-in allowance, will supply a lower cost than that which would result from a bid process.

- (5) A formal process would result in substantially higher costs to the school district, or inefficient use of personnel, or cause substantial disruption of school district operations.
- (6) Regional or cooperative purchases.
- (7) Cooperative agreement with the local municipality.

For a requesting administrator to obtain a Waiver, the requesting administrator must make a written request to the Superintendent. The Waiver must bear the signature of the requesting administrator and state the reason(s) for requesting the Waiver. Upon receipt of such request, the Superintendent will promptly notify the requesting administrator if such Waiver has been granted.

In addition, the Superintendent, in their sole determination, may grant a Waiver for any of the above-listed reasons. Upon granting such a Waiver, the Superintendent must, in writing, state the reason(s) for granting such Waiver.

VIII. PROCUREMENT OF PROPERTY AND SERVICES UNDER A FEDERAL AWARD

When procuring property and/or services under a Federal award, the Board will comply with relevant regulations in the Code of Federal Regulations, including but not limited to those described in 2 C.F.R. § 200.318 through 2 C.F.R. § 200.327, as amended from time to time, to the extent it is required to do so. See Appendix A.

When procuring property and/or services purchased with Federal funds as part of the National School Lunch Program, including Connecticut School Nutrition Program funds, the Board will comply with relevant regulations in the Code of Federal Regulations, including but not limited to those described in 2 C.F.R. § 200.318 through 2 C.F.R. § 200.327, 7 C.F.R. § 220.16, and 7 C.F.R. § 210.21 through 7 C.F.R. § 210.23, as amended from time to time, to the extent it is required to do so. The Board's school nutrition program director, management, and staff tasked with National School Lunch Program procurement responsibilities shall complete annual training on Federal procurements standards and retain records to document compliance with this requirement. The Board shall also comply with school food authority procurement reviews and audits, as may be required and in accordance with applicable law.

IX. COMPLIANCE WITH GRANTS

When procuring goods or services pursuant to a Federal or State grant or award, the Board will comply with applicable grant or award requirements and assurances made in connection with such funds. Such requirements may include, but are not limited to, use of such funds for authorized purposes and the inclusion of required contract provisions in any contract funded by Federal or State grants.

X. AUDITS

The Board may periodically engage an independent audit firm to review the purchasing procedures outlined in this policy.

Legal References:

State Law:

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| Conn. Gen. Stat. §10-241c | Local board of education to consult with municipality re joint purchasing of property insurance, casualty insurance and workers' compensation insurance. |
| Conn. Gen. Stat. §10-241d | Local board of education consultation with municipality re goods and services. Cooperative arrangements. |
| Conn. Gen. Stat. §10-241e | Local board of education consultation with municipality prior to purchase of payroll processing or accounts payable software program. |

Federal Law:

- 2 C.F.R. § 200.317 through 2 § C.F.R. 200.327.
- 2 C.F.R. § 200.81 (definition of property).
- 7 C.F.R. § 210.21 through 2 C.F.R. § 210.23

United States Department of Agriculture, Food and Nutrition Service, Policy Memorandum SP 39-2017, *Local Agency Procurement Reviews for School Food Authorities* (June 30, 2017).

ADOPTED:_____