

# ADMINISTRATIVE REGULATION

No. 606(b)

**Board of Trustees  
Douglas County School District**

**FINANCES**

## **PURCHASING AND BIDDING REQUIREMENTS**

The regulations and procedures set forth in this Administrative Regulation shall apply to all purchases of goods, services, and public works made by the Douglas County School District, regardless of funding source, except where a specific statute or federal regulation requires otherwise.

When federal funds are used, in whole or in part, to finance a procurement, the District shall comply with applicable federal procurement standards, including the methods of procurement, thresholds, and documentation requirements in 2 CFR § 200.320 and related provisions, in addition to Nevada law and this regulation.

### **SECTION I – SOURCE SELECTION AND CONTRACT REGULATIONS:**

1. Purchase Bidding Requirements: The Purchasing Agent(s) as noted in AR606(a) shall act as Board designee(s), and only the Chief Financial Officer may seek bid solicitations for those contracts in which the estimated annual amount exceeds \$100,000 (NRS 332.039). All bid solicitations for combined awards for materials and/or services greater than \$100,000 require Board approval prior to execution of the contract. All purchases must conform to the following bidding requirements. If not specifically addressed, all bidding requirements shall be made in accordance with all applicable statutes, regulations and policies, including but not limited to NRS 332.039 – 332.148. NRS Chapters 338 and 339 shall direct appropriate protocol for requesting a Public Works Project number, advertising, and bonding for construction projects valued at \$100,000 or greater.

A. Bidding Not Required: When the estimated annual amount required to perform a contract is less than \$50,000, no solicitation of or advertising for bids is required. However, the Purchasing Agent should solicit multiple informal quotes, when practicable, to ensure best available pricing and to satisfy competition expectations for micro-purchases and small purchases under District and federal procurement procedures. The Purchasing Agent may authorize bid requests or advertising for competitive bids if such requests or advertising are in the District's best interest.

B. Informal Bidding Required: When the estimated annual amount required to perform a contract is equal to or more than \$50,000, but not more than \$100,000, responses must be solicited from at least two or more vendors capable of performing the contract, if available (per NRS 332.063).

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An exception may be made only if the contract qualifies under NRS 332.115 (contracts not adapted to competitive solicitation) or other statutory exceptions. The Purchasing Agent shall maintain a record of all requests for bids and all bids received for seven years (per NRS 332.091). The Purchasing Agent may authorize bid requests or advertising for competitive bids if such requests or advertising are in the District's best interest.

C. Formal / Competitive Bidding Required: When the estimated annual amount required to perform a contract exceeds \$100,000, and no statutory exception applies, the contract must be solicited and advertised using a formal competitive method by the Chief Financial Officer or designee, consistent with NRS 332.065 and related provisions: Formal / Competitive Bidding Procedures are as follows:

(1) Where competitive bids are required, they shall be submitted in writing and presented in a sealed envelope. Receipt of such bids shall be at the place, date and time as designated in the notice of publication. Bids received in accordance thereto shall be opened and read publicly.

Exceptions to competitive solicitation requirements are governed by NRS 332.112–332.148 and NRS 332.115–332.117, including emergencies, sole source, professional services, computer hardware/software, instructional materials, purchases from disability nonprofits (with market survey and reporting), and others. Justification for any exception must be documented.

For procurements using federal funds, any noncompetitive or sole source procurement must also meet the conditions and documentation requirements for noncompetitive procurement under 2 CFR § 200.320 and related federal provisions.

(2) Nothing in this policy prohibits utilizing the formal bid procedure for any type of expenditure. In cases where doubt exists as to the bidding procedure to be utilized, prudence dictates the use of the more restrictive category.

### D. Bids Requiring Advertising:

(1) Bid advertisements shall comply with NRS 332.039, 332.045, and 332.047 (on line solicitations permitted if secure and non-exclusive).

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(2) If the Chief Financial Officer intends to award a contract for which the estimated annual amount required to perform the contract is equal to or exceeds \$100,000, he or she must publish a notice in the newspaper and on the District's website according to NRS Chapter 332.045 and 332.047, including:

- (a) The date and time of the response opening;
- (b) The nature of the proposed contract;
- (c) The location where the solicitation document and any required boycott of Israel certification language may be obtained;
- (d) Any other pertinent information; and
- (e) A statement that the solicitation is subject to protest procedures per NRS 332.068 if applicable.

(3) On-line solicitations may be used per NRS 332.047, provided they are secure, allow vendor registration if required, and are supplemented by newspaper advertisement for contracts >\$100,000 unless statutory waiver applies.

### **Federal Debarment**

For any contract or purchase using federal funds at or above the District's federal debarment-check threshold (not to exceed the simplified acquisition threshold), the Purchasing Agent must verify that the vendor is not debarred, suspended, or otherwise excluded by checking [www.SAM.gov](http://www.SAM.gov), consistent with 2 CFR § 200.214 and 2 CFR Part 180.

### **2. Rejection of Bids:**

Rejection of bids is specifically addressed by NRS 332.075. Action to reject any formal bid received in response to bids requiring advertising can only be taken by the Board of Trustees.

For solicitations where the estimated annual amount required to perform the contract is more than \$100,000, rejection of all responses requires Board action consistent with NRS 332.075. For solicitations at or below \$100,000, the Chief Financial Officer or designee may reject all responses if it is in the District's best interest, and shall document the reasons for the rejection.

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### 3. Contract Award:

When the Purchasing Agent has requested informal bids or advertised a formal bid for letting a contract, and the solicitation method is an invitation to bid, the award must be made to the lowest responsive and responsible bidder in accordance with NRS 332.065 and NRS 332.085, unless otherwise authorized by specific statute.

The lowest responsive and responsible bidder will be judged on the basis of: (1) price; (2) conformance to laws, ordinances, regulations and project specifications; (3) qualifications and experience including past performance in similar projects; (4) ability to perform and by specified delivery date; (5) adequacy, quality and utility of services, supplies, materials or equipment offered, and adaptability and conformance of same to the required purpose; (6) possession of or limit on any required license; (7) financial responsibility; (8) the best interest of the public with regard to each of the above factors being considered; and (9) any criteria pertaining to the specified contract as noted in the advertisement or request for bid.

For invitations to bid on contracts exceeding \$100,000 annually, preference shall be given to bids offering recycled products per NRS 332.066: mandatory if they meet standards, are substitutable, and cost no more than nonrecycled equivalents; permissive up to 5% more. For recycled paper products, preference may apply if cost  $\leq 10\%$  higher, quality adequate, and available timely. Definitions per NRS 332.066(2).

### 4. Boycott of Israel Certification:

For any contract with an estimated annual amount exceeding \$100,000, the Purchasing Agent shall require each responding company to submit a written certification that it is not currently engaged in, and will not engage in during the contract term, a boycott of Israel as defined in NRS 332.065(5).

### 5. Protest Procedures:

For solicitations where the estimated annual amount exceeds \$100,000, any responder may file a notice of protest after responses are opened, within the time specified in the solicitation per NRS 332.043. The protest must include a written statement alleging violation of law. The Purchasing Agent or Board may require a bond/security (lesser of 25% of the protester's response value or \$250,000). Award is stayed pending determination. If protest upheld, bond returned; if denied, District may recover costs from bond. The District is immune from liability for protester costs/damages per NRS 332.068(6).

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## **SECTION II – GENERAL POWERS and DUTIES of LOCAL GOVERNMENTS:**

NRS 332.175 – 332.225 shall guide trade-in allowances and sale of personal property, as well as mutual use of contracts by government entities.

A. Purchases may be made on behalf of the Douglas County School District through any governmental entity pursuant to authority granted by any statute, resolution or contractual arrangement between the Douglas County School District and said governmental entity.

B. The Purchasing Agent is authorized and empowered to enter into contracts with other governmental entities for joint purchasing as stipulated by Resolution #83-5, adopted by the Board of Trustees on the 12th day of July 1983, or current cooperative purchasing agreements authorized under NRS 332.195.

See Policy related to this Administrative Regulation

AR606(a)  
AR606(c)

Date Adopted: 8/10/10  
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