

PROCUREMENT COMPETITION REQUIREMENTS

- 1.0 To advance fiscal responsibility and to promote open and fair competition for District expenditures, the following requirements shall apply for the competitive procurement of all goods and services unless otherwise exempted in District Policy.
 - 1.1 Procurement of goods and services with a total amount of \$15,000 or less is at the discretion of the purchaser to determine the best and appropriate method for purchase, unless a District contract has been established for the good or service.
 - 1.2 For amounts exceeding \$15,000 up to \$350,000, an informal bid procedure may be followed and proposals may be received via email or other written means provided that at least two (2) proposals are obtained.
 - 1.3 Procurement of goods or services with a total amount greater than \$350,000 requires:
 - 1.3.1 A minimum of three (3) written or electronically submitted proposals that may be solicited by formal bids, multi-step formal bids, life-cycle cost bids, requests for proposal and competitive negotiations; and
 - 1.3.2 Development or approval of the request for proposals by an Assistant Buyer, Buyer(s), Senior Buyer(s), Bond Contract Administrator or Director of Supply Chain Management **prior to** submission of the request to the vendors.
 - 1.3.3 Purchases shall not be divided for the purposes of circumventing the above specified procedures.
 - 1.5 Procurement of any good or service that may extend beyond one fiscal year must be administered by Purchasing staff in a manner that is compliant with TABOR.
 - 1.6 Bid, performance and/or payment bonds shall be required in accordance with state law when the total project is \$50,000 or more.
 - 1.7 Formal solicitation processes shall be conducted by Purchasing staff in cooperation with the requesting school or department(s).
- 2.0 **Invitation for Bids and Requests for Proposals.**
 - 2.1 Invitation for Bids (IFBs) shall be awarded to the lowest responsive, responsible bidder. The District shall consider a variety of factors in identifying the lowest responsive, responsible bidder, including but not limited to cost, quality, durability, warranty and other specified criteria when appropriate.
 - 2.2 Request for Proposals (RFPs) will be awarded on overall value and per criteria and specifications listed in the RFP. Notwithstanding the foregoing, the District reserves the right to reject any or all bids for any reason permissible by law and deemed to be in the best interest of the District as determined at the sole discretion of the District.
- 3.0 **Exemptions.** The following items are exempted from the District's competitive bidding requirements (these exemptions do not apply if using grant funds):
 - 3.1 Purchases made cooperatively with other units of government, including the State of Colorado and local governments, and National Cooperatives. The District, when deemed appropriate by the Chief Financial Officer (CFO) or Director of Supply Chain Management, may extend its awards to other governmental agencies.
 - 3.2 Purchases and/or sales between the District and federal, state or other governmental agencies.
 - 3.3 Supplies, equipment or services which are necessary for District operations and which the CFO reasonably determines may be timely obtained only from a single source. Sole source, single source or emergency purchases are subject to the approval of the Director

of Supply Chain Management, the CFO, the Chief Officer of the requesting department and the Chief Information Technology Officer (CITO) for IT related purchases. Requests must be submitted on appropriate form(s) that document in writing the justification for the sole source, single source or emergency purchase.

- 3.4 Publications (including yearbooks) and proprietary instructional materials.
- 3.5 Items or products purchased by the District for resale to the public.
- 3.6 Rental of copyrighted materials.
- 3.7 Water, sewer, gas and electric utilities.
- 3.8 Professional services per Colorado revised statute 22-32-109(1)(b).
- 3.9 Graduation materials, class rings and student photographs.
- 3.10 Maintenance contracts for proprietary equipment, provided a complete and signed Procurement Deviation Justification (PDJ) form is submitted prior to the execution of the contract.
- 3.11 Venues for events hosted off-site.
- 3.12 Travel expenses related to district business.
- 3.13 Membership dues, Publication subscriptions, event registrations (i.e. DECA, Thespians, Scholastic Magazines).
- 3.14 Academic programs designed to provide students with college preparation such as International Baccalaureate, P-TECH and state mandated testing programs/materials.
- 3.15 Purchases of goods or services funded entirely by a grant or donor, if the grant or donor specifies the goods or services to be purchased or the vendor to be utilized.
- 3.16 Purchases of goods or services in which an Adams 12 membership dictates the goods or services to be purchased or the vendor to be utilized i.e. CHSAA (Colorado High School Activities Association).
- 3.17 Services provided in-house (trades).
- 3.18 Board-approved curriculum; documentation showing board approval must be provided to the Purchasing Department as requested. Supplemental curriculum must be approved by the Chief Academic Officer.

4.0 **Emergency Waiver.** In the event of emergency, or to protect assets of the District, the CFO or Director of Supply Chain Management may waive the requirements of this policy. If the requirements of this policy are waived, the CFO or Director of Supply Chain Management shall take reasonable steps to ensure that the purchase or contract made pursuant to such waiver specifies price, terms, and product specifications which are competitive in the circumstances in which the emergency purchase is made. If the total value of the transaction exceeds \$350,000, the CFO shall notify the Superintendent as to the circumstances of the policy waiver as soon as reasonably possible.

- 4.1 An emergency is defined as an unexpected condition that may create an immediate and serious need for service, construction or purchases that cannot be met through normal competitive procurement methods, and the lack of which would seriously threaten the function of the District, the preservation or protection of property, or the health and safety of any person.
- 4.2 A request for waiver of policy due to emergency must be submitted on the PDJ form and contain a written explanation of the nature of the emergency and the reason for invoking the emergency purchasing procedure. If an emergency occurs outside of normal business hours, the form(s) must be completed on the next business day.

5.0 **General Waiver.** Subject to prior approval by the Superintendent, these bidding procedures may be waived for any reason which the Superintendent deems to be in the best interests of the District and consistent with law.

CROSS REFERENCES:

POLICY 3310

POLICY 4130

LEGAL REFERENCES:

2 C.F.R. §§ 200.37, 200.88, 200.320

C.R.S. 22-32-109(1)(b)

Adams 12 Five Star Schools

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