EASTCONN
Where Learning Comes to Life

BUSINESS
Series 3000
Policy #3006.1.1

PURCHASING

I. DEFINITIONS

For purposes of this policy:

A. "Goods or services" includes, but is not limited to, portable classrooms, motor vehicles or materials and equipment, such as telephone systems, computers, copy machines, and those that involve the furnishing of judgment, expertise, advice or effort by persons other than EASTCONN Board of Directors ("Board") employees, and may result in the delivery of reports, recommendations, designs, or other documents to assist the Board and EASTCONN 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 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.

B. "Property" means real property or personal property.

II. 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	**Requirements**	**Documentation**
Micro-Purchases	Under $20,000	"Reasonable price" based on review or industry knowledge. Documented quotes not required. To the extent practicable, micro-purchases should be distributed equitably among qualified suppliers	It is a good practice to note in the requisition what resources were reviewed to establish reasonable pricing (for instance, based on review of on-line pricing of other vendors)

Small Purchases	$20,000 or higher, but less than $50,000	Documented price or rate quote from adequate number of sources, generally three. Competitively bid contract, cooperative or consortium pricing may be used.	Requisition should reference other vendors considered or clearly identify which contract/coop/consortium is used. Copies of quotes not chosen may be requested by Business office.
Large Purchases	$50,000 or higher	Competitive bidding required. See Section IV.	Business office to retain copies of bid documents, summary of submissions, evaluation reviews and final award decisions.

Per Board Policy, bids and quotes are not required for the following:

- Purchases where only one supplier exists, and is approved by the Executive Director.
- Architectural services.
- Legal services.
- Services requiring specific expertise (consultants, specialists).
- Curriculum related purchases (textbooks, software, equipment)

IV. GOODS OR SERVICES: COMPETITIVE BIDDING PROCESS

A. Purchases Requiring Competitive Bidding Process $50,000 or More

Purchases of goods or services expected to involve an expenditure of $50,000 or more must be made by sealed competitive bid. As set forth below, such purchases in the amount of at least $20,000, but less than $50,000, may be awarded by the Executive Director or designee (collectively referred to as "Executive Director or designee").

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 Executive Director or designee shall develop the proposed bid specifications and other bid documents.

C. Advertising

A legal notice inviting sealed bids shall be published by the Executive Director or designee on the website of the municipality and/or Board and in a daily local newspaper, if publication in a newspaper 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 Executive Director or designee 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 cost(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 Executive Director or designee will tabulate and analyze the bids. For contracts of at least $20,000, but less than $50,000, the Executive Director or designee 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 $50,000 or more, the Executive Director or designee 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.

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 Executive Director or designee in accordance with State law.

E. Bid Security

When, in the judgment of the Executive Director or designee, 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 EASTCONN Board of Directors" 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 Executive Director or designee 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.

G. Rejection of Bids

The Executive Director or designee 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 Executive Director or designee 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 or the Executive Director or designee 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.

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 Executive Director or designee, 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 Executive Director or designee. 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 Executive Director or designee will promptly notify the requesting administrator if such Waiver has been granted.

In addition, the Executive Director or designee, in their sole determination, may grant a Waiver for any of the above-listed reasons. Upon granting such a Waiver, the Executive Director or designee 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:

Conn. Gen. Stat. §10-241c	Local Board of Directors to consult with municipality re joint purchasing of property insurance, casualty insurance and workers' compensation insurance.
Conn. Gen. Stat. §10-241d	Local Board of Directors consultation with municipality re goods and services. Cooperative arrangements.
Conn. Gen. Stat. §10-241e	Local Board of Directors 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:

REVISED: April 23, 2024

REPLACES: Policy #2.023