DJE - Bidding Procedures

~~NOTE: Colorado school districts are required by state law to adopt a policy on bidding procedures for competitive bidding in the purchase of goods and services pursuant to C.R.S. 22-32-109 and the law contains some specific direction as to the content or language.~~

All contractual services, professional services, and purchases of supplies, materials, and equipment in the amount of $ 15,000 or more will be put to bid. This does not apply, however, to contracts for instructional services or materials. Other purchases may be made in the open market but will, when possible, be based on competitive quotations or prices.

Competitive selection

All contracts and all open market orders will be awarded to the lowest responsible qualified supplier, taking into consideration the quality of materials (services) desired and their contribution to program goals.

The Board reserves the right to reject any or all bids and to accept that bid which appears to be in the best interest of the district.

Pre-qualification

With regard to materials or services for which bids are required, the superintendent or designee will develop a procedure to pre-qualify bidders. Suppliers will be invited to have their names placed on mailing lists to receive information about pre-qualifying. When specifications are prepared, they will be mailed to all merchants and firms who have pre-qualified. Only pre-qualified bidders may submit bids.

Response receipt and opening

All bids must be submitted in sealed envelopes, addressed to the Board, and plainly marked with the bid number and the time of the bid opening. Bids will be opened in public by appropriate district officials or employees at the time specified, and all bidders will be invited to be present.

The Board reserves the right to reject any and all bids and accept any bid deemed to be in the best interest of the district.

Awarding a bid

The bidder to whom an award is made will be required to submit to the district proof of liability insurance and when appropriate, proof of workers' compensation insurance, and may be required to enter into a written contract with the district. Any written contract must include a provision requiring a criminal background check for any person providing direct services to students under the contract, including but not limited to transportation,

instruction, or food services as required by law. The contracting entity is responsible for any costs associated with the background check.

Requirements for Written Contract

Any contract must include a provision that states that any of the district´s obligations for the construction and design of public works projects that are payable after the current fiscal year are contingent on money to pay the obligations being appropriated, budged, and otherwise made available to the district, subject to the requirements of C.R.S. 24-91-103.6.

Any written contract shall not include any of the below conditions or terms. If any of the below conditions are included in a written contract, that condition or term is considered null and void.

- Any requirement that the district hold harmless another person or entity;
- Any requirement that the district or contracting entity participate in binding arbitration or other extra-judicial process for dispute resolution;
- Any requirement that the district agree to limit liability of another person or entity for bodily injury, death, or property damage;
- Any waiver, alteration, or limitation of the application of the "Student Data Transparency and Security Act" or the "Colorado Privacy Act";
- Any conflict with Colorado law or associated rules under state statute.

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LEGAL REFS.: C.R.S. 22-1-135 (terms and conditions in public school contracts definitions)

C.R.S. 22-32-109 (1)(b) (board required to adopt bidding procedures)

C.R.S. 22-32-109.7 (board duties regarding the employment of personnel)

C.R.S. 22-32-122 (4) (background check provision required in service contracts)

C.R.S. 24-18-201 (public official's interest in contract)

CROSS REFS.: BCB, School Board Member Conflict of Interest

DJB*, Federal Procurement

~~*NOTE 1: Criminal background checks provided pursuant to this policy must, at a minimum, meet the requirements of C.R.S. 22-32-109.7 and may include any other requirements of the district. Under section 109.7, CDE is required to advise districts only as to whether a prospective employee has been convicted of a felony or misdemeanor crime involving unlawful sexual behavior, an allegation of a sexual act involving a student who is eighteen years of age or older (regardless of whether the student consented to the sexual act), or unlawful behavior involving children. Districts may wish to require service contractors to report all convictions for any person working directly with students.*~~

~~*NOTE 2: If the district receives federal funds, the district is required by the federal Uniform Grant Guidance (UGG) to adopt procurement procedures specific to purchases made with federal funds, in whole or in part. See, CASB sample policy DJB*, Federal Procurement and accompanying sample regulation, DJB*-R.*~~

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