

MEMORANDUM

TO: NWABSD Board of Education
Members

DATE: March 8, 2024

NUMBER: 24-069

FR: Office of the Superintendent

SUBJECT: Approval of Proposed
Revisions to BP 3311
Bids; First Reading

STRATEGIC PLAN/BOARD GOAL:

Track 1: Operational Improvements
Initiative: Optimize Business Practices

ABSTRACT:

Board policy revisions require Board approval.

ISSUE:

At issue is to approve the first reading of the proposed revisions to BP 3311 Bids and open for public comments.

BACKGROUND AND/OR PERTINENT INFORMATION:

The Superintendent/designee presents drafts or suggestions for board policy revisions when the law changes or specific needs occur. Policy revisions shall normally be given two readings prior to adoption by the Board.

This is the first reading of the proposed revisions to BP 3311 Bids within the Business and Non-Instructional Operations series.

This update includes a list of items that are exempt from normal purchasing procedures. Items on this list may be removed (and be subject to normal purchasing procedures) at a Board's discretion.

The Board Policy Committee reviewed the proposed changes, recommends approval and to open for public comments.

ALTERNATIVES:

1. Approve the first reading of the proposed revisions to BP 3311 Bids as presented and open for public comments;
2. Do not approve the first reading of the proposed revisions to BP 3311 as presented;
3. Take no final action.

ADMINISTRATION'S RECOMMENDATION:

The administration recommends the Board approve the first reading of the proposed revisions to BP 3311 Bids as presented and open for public comments.

BP 3311 BIDS

All purchase orders with an estimated cost of \$50,000 or more shall be competitively bid using formal bidding procedures and a recommendation as to the award shall be brought to the Board for their approval.

All purchase orders with an estimated cost of \$10,000 but less than \$50,000 shall require written price quotes from ~~an adequate number of~~ two (2) or more qualified sources. If the lowest price quote is not selected the reasons shall be given in writing and forwarded to the purchasing office.

Each purchase order shall encompass all costs associated with the item to determine if written price quotes or formal bid procedures are required. Segmented purchases will be combined to determine when Board approval is required.

With the exception of Board approval purchases under the following circumstances are exempt from the provisions of this policy:

1. in an emergency;
2. available from one source;
3. purchased from other governmental agencies.

The Superintendent or designee shall establish procedures to implement these requirements. Prior to any purchase, the District should review the federal funding award or grant to determine if it requires compliance with OMB's procurement procedures.

Performance bonds may be required for all contracts, or when the quantity of the amount of money is in excess of \$50,000.

Under no condition shall bids be accepted after the advertised bid ~~opening~~closing time, regardless of whether the bids are actually opened at that time.

Purchases Made Under Federal OMB Funding Awards

All bids under Federal awards must be made in accordance with the standards set forth in 2 CFR 200.320. One of the following five methods of procurement shall be used for each purchase under a federal award:

1. Micro-purchases: Less than \$3,000 (\$2,000 for purchases subject to the Davis-Bacon Act)
 - a. No competitive quotes required
 - b. Purchases should be spread among qualified suppliers

2. Small Purchases: Between \$3,000 and \$150,000
 - a. Rate quotes must be obtained from two (2) or more qualified sources
 - b. Quotes can be obtained from suppliers or from public websites
3. Sealed bids: Purchases more than \$150,000
 - a. Two or more qualified bidders are required
 - b. Bids must be publicly advertised and solicited from adequate suppliers
 - c. Lowest bidder for the fixed price contract with specific requirements shall be awarded the contract
4. Competitive Proposals: Purchases more than \$150,000
 - a. A written policy must be adopted for conducting technical evaluations of reviewing proposals and selecting the recipient
5. Sole Source: Purchases of any amount that meet one of the following four requirements
 - a. Good/service is only available from a single source
 - b. Only one source can provide the good/service in the time frame required
 - c. Written pre-approval from the Federal awarding agency
 - d. Competition is deemed inadequate, after solicitation attempts through one of the other methods

To ensure that good value is received for funds expended, specifications shall be carefully designed and shall describe in detail the quality, delivery and service required.

Minority Bidding

When procuring contracts under federal awards set forth in [2 CFR 200.320](#), the District must take affirmative steps to utilize minority businesses, women's business enterprises, and labor surplus area firms when possible. Affirmative steps must include:

1. Placing qualified small and minority businesses and women's business enterprises on solicitation lists;
2. Assuring that small and minority businesses, and women's business enterprises are solicited whenever they are potential sources;
3. Dividing total requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation by small and minority businesses, and women's business enterprises;
4. Establishing delivery schedules, where the requirement permits, which encourage participation by small and minority businesses, and women's business enterprises;
5. Using the services and assistance, as appropriate, of such organizations as the Small Business Administration and the Minority Business Development Agency of the Department of Commerce; and

6. Requiring the prime contractor, if subcontracts are to be let, to take the affirmative steps listed in paragraphs (1) through (5) of this section.

Exemptions

The following items are exempted from formal purchasing procedures:

- A. Instructional materials for which purchasing guidelines have been established by School Board Policy in BP 6161.1(a); or
- B. In-service presenters, speakers, or curriculum, instruction, or staff development experts selected for particular and unique expertise; or
- C. Professional or consultant services such as medical, legal, negotiation, technical, or educational, not including architectural/engineering design services; or
- D. Professional or consultant services (such as property and casualty insurance) purchased jointly with Local, State, or Federal agencies; or
- E. Public services, utilities or energy-related expenses, site licenses, upgrades, maintenance contracts, and specialized services, software, or equipment where no competition exists (single source) or the District has established a need for standardization of equipment, supplies, or services; or
- F. Emergency supplies or supplies and equipment that augment previously purchased items of a similar nature whereby the District would incur substantial costs to switch products or product lines; or
- G. Purchases involving replacement of equipment where similar equipment is being traded in; or
- H. Purchases involving items regulated by Fair Trade Statutes; or
- I. Purchases made through cooperative purchasing agreements, existing Federal/State or inter-district contracts including GSA pricing; or when cooperatively bidding with other public agencies; or
- J. Contracts or purchases when time is of the essence for reasons of health or safety, or to comply with legal requirements in a timely manner.
- K. Proprietary (sole-source) items or services or items that are only available from a single source.

When applicable, prior to any purchase, the District should review the federal funding award or grant to determine if it requires compliance with Uniform Guidance OMB's procurement procedures.

(cf. 9270 - Conflict of Interest)

(cf. 4030 - Nondiscrimination in Employment)

(e. 3310 – Purchasing Procedures, Procurement)

Legal Reference:

ALASKA STATUTES

[14.14.060](#) *Relationship between borough school district and borough*

[14.14.060](#) (h) *Procurement of supplies and equipment*

[14.14.065](#) *Relationship between city school district and city*

[14.03.085](#) *Procurement preference for recycled Alaska products*

[29.71.050](#) *Procurement preferences for recycled Alaska products*

[35.15](#) *Construction Procedures*

[36.15.020](#) *Use of local agricultural and fisheries products required in purchases with -state money*

ALASKA ADMINISTRATIVE CODE

[4 AAC 27.085](#) *Competitive pupil transportation proposals*

[4 AAC 31.080](#) *Construction and acquisition of public school facilities*

CODE OF FEDERAL REGULATIONS

[2 C.F.R. 200.317-326](#), *Procurement Standards*

[FAIRBANKS NORTH STAR BOROUGH SCHOOL DISTRICT v. BOWERS](#), 851 P.2d 56 (Alaska 1992)

~~Revised: June 09, 2015~~

~~January 30, 2018~~

~~November 15, 2019~~

Adopted: February 25, 1994

Revised: June 09, 2015

Revised: January 30, 2018

Revised: November 15, 2019

Revised:

Northwest Arctic Borough School District