

BIDS AND QUOTATIONS Construction

No expenditure shall be made except in accordance with the provisions of a written contract or purchase order, and no contract involving an expenditure of more than \$100,000 for the purpose of erecting a building or making any improvements on school buildings shall be made except upon sealed proposals and to the lowest or best responsible bidder. This does not prohibit the district from erecting a building or making improvements on a **force account** basis.

The term "force account" means the purchase of necessary materials, and the employment of necessary workmen, by the school district itself, rather than entering into a contract with a building or other contractor to construct the building or other improvement. No contract involving sums in excess of \$100,000 shall be split into partial contracts involving sums below \$100,000 for the purpose of avoiding the requirements of the Public Competitive Bidding Act.

For the purposes of this policy, the term "improvements on school buildings" shall not include any of the following:

1. Portable, or otherwise moveable, buildings and structures;
2. Prefabricated metal buildings and structures, along with necessary utility services for such buildings or structures;
3. Roofs placed over existing roof structures; and
4. Other structures that can be disassembled after installation and removed without permanent damage to existing property.

No work shall be commenced until a written contract is executed and proof of insurance has been provided by the contractor to the school district's business office.

Public Construction Contracts

Public construction contracts are any contract for the purpose of making any public improvements or constructing any public building or making repairs to or performing maintenance on any school-owned building.

Public Construction Projects Costing Less than \$25,000:

If a public construction contract is less than \$25,000, a contract may be negotiated at Superintendent's or designee's discretion.

Public Construction Projects Costing \$25,000 but less than \$100,000:

Public construction contracts costing \$25,000 but less than \$100,000 shall be let and awarded to the lowest responsible bidder by receipt of written bids.

Public Construction Projects Costing \$100,000 or more:

Public construction contracts costing \$100,000 or more shall be let and awarded to the lowest responsible bidder by receipt of sealed bids pursuant to the the Public Competitive Bidding Act. (See below.)

Sealed Bidding Procedures

When sealed bidding procedures are used, bids shall be advertised appropriately. Suppliers shall be invited to have their names placed on mailing lists to receive invitations to bid. When specifications are prepared, they will be mailed to all merchants and firms who have indicated an interest in bidding. The superintendent or designee shall maintain a bid list. Any vendor shall be placed on the bid list upon written request. As an objective, the superintendent or

designee will normally seek out sufficient bidders to have an uncontested low bid by virtue of having several bona fide bids.

All bidders shall be given an equal opportunity to qualify for school business.

All proposals to award public construction contracts shall be made as follows:

1. Notice shall be published in a newspaper of general circulation and published in the county where the work or the major part of the work is to be done. The notice shall be published in two consecutive weekly issues of the newspaper with the first publication at least twenty-one (21) days prior to the date set for opening bids; and
2. Notice shall be sent to one in-state trade or construction publication for their use and information whenever the estimated cost of the contract exceeds \$100,000.

All bids must be submitted in sealed envelopes, addressed to the administrative office of the school district and plainly marked with the name of the bid and the time of the bid opening. Bids shall be opened at the time and place specified and all bidders and other persons shall be invited to be present.

Non-kickback & sex offender affidavits will be required as specified in law.

The board reserves the right to reject any or all bids and to accept the bid which appears to be in the best interest of the school district. Any bid may be withdrawn prior to the scheduled time for the opening of bids. Any bid received after the time and date specified shall not be considered.

The bidder to whom the award is made may be required to enter into a written contract with the school district.

Where two or more bidders are the same on quality and price, preference shall be given to the bidder whose business establishment is within the boundaries of the school district. Where the tie bidders are from outside the district, preference may be given to the firm that has given the best sustained service to the district.

Bidding requirements may be void in situations (i.e. flooding, fires, natural disasters, etc.) declared emergencies by the Board of Education or designee.

**REFERENCE: 61 O.S. §102, §103, §107, §131
62 O.S. §430.1
70 O.S. §5-123**