

1 **3003.1**
2 **Bidding for Construction, Remodeling, Repair, or Related Projects**
3 **Financed with Federal Funds**
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5 **I. Applicability of the policy**
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7 This policy applies only to construction and contracts undertaken with
8 federal funds which are subject to the federal Uniform Grant Guidance (UGG)
9 and other applicable federal law, including but not limited to the Education
10 Department and General Administration Regulations (EDGAR) and the United
11 States Department of Agriculture (USDA) regulations governing school food
12 service programs. In the event this policy conflicts or is otherwise
13 inconsistent with mandatory provisions of the UGG, EDGAR or other
14 applicable federal law, the mandatory provisions of the laws shall control.
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16 The District will also comply with the requirements of the public lettings laws
17 (NEB. REV. STAT. §§ 73-101 through 73-106) when the contemplated
18 expenditure for the complete project exceeds \$100,000, the Political
19 Subdivisions Construction Alternatives Act (NEB. REV. STAT. §§ 13-2901
20 through 13-2914), energy financing contracts (NEB. REV. STAT. §§ 66-1062
21 through 66-1066), other applicable state laws, and the board's general
22 policy on Bidding for Construction and Related Projects. In the event of a
23 conflict between state and federal law, the more stringent requirement shall
24 apply.
25

26 **II. All projects undertaken pursuant to this policy will be subject**
27 **to the following bond requirements**

28 A. A bid guarantee from each bidder equivalent to five percent of the
29 bid price. The "bid guarantee" must consist of a firm commitment
30 such as a bid bond, certified check, or other negotiable instrument
31 accompanying a bid as assurance that the bidder will, upon
32 acceptance of the bid, execute such contractual documents as may
33 be required within the time specified.

34 B. A performance bond on the part of the contractor for 100 percent of
35 the contract price. A "performance bond" is one executed in
36 connection with a contract to secure fulfillment of all the
37 contractor's obligations under such contract.

38 C. A payment bond on the part of the contractor for 100 percent of the

39 contract price. A “payment bond” is one executed in connection
40 with a contract to assure payment as required by law of all persons
41 supplying labor and material in the execution of the work provided
42 for in the contract.

43 **III. Construction Projects with an Anticipated Cost of Under**
44 **\$150,000**

45 A. Methods of Bidding/Soliciting Quotations or Estimates

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47 The type of procedures required depends on the anticipated cost of the
48 project.

49 1. Construction with an Anticipated Cost of up to \$10,000
50 (Micro-Purchases)

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52 Micro-purchase means a purchase of supplies or services using
53 simplified acquisition procedures, the annual aggregate amount of
54 which does not exceed \$10,000. Micro-purchases may be made or
55 awarded without soliciting competitive quotations, to the extent
56 district staff determine that the cost of the purchase is reasonable.
57 For purposes of this policy “reasonable” means the purchase is
58 comparable to market prices for the geographic area.

59
60 To the extent practicable, the District distributes micro-purchases
61 equitably among qualified suppliers. The District will follow its standard
62 policy on purchasing, which can be found earlier in this subsection.
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64 2. Construction with an Anticipated Cost of between \$10,000
65 and \$250,000(Small Purchase Procedures)

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67 For construction projects subject to this policy, small purchases are
68 purchases that, in the aggregate amount, is more than \$10,000 and
69 less than \$250,000 annually. For small purchases, price or rate
70 quotes shall be obtained in advance from a reasonable number of
71 qualified sources as detailed in the district’s standard policies on
72 purchasing and on bid letting and contracts, which can be found earlier
73 in this subsection.

74 B. Construction Projects with an estimated cost of \$100,000 and over
75 will be made pursuant to the District's Policy on Bid Letting and
76 Contracts.

77 **IV. Construction Projects with an Anticipated Cost Over \$250,000**

78 A. Sealed Bids: All constructions projects subject to this policy with an
79 anticipated cost of \$250,000 will be publicly solicited using the
80 sealed bid method

81 1. Bids must be solicited from an adequate number of known
82 suppliers, providing them sufficient response time prior to the
83 date set for opening the bids, for state, local, and tribal
84 governments, the invitation for bids must be publically
85 advertised;

86 2. The invitation for bids, which will include any specifications
87 and pertinent attachments, must define the items or services in
88 order for the bidder to properly respond;

89 3. Sealed bids will be publically opened in a place and at the
90 specific time stated in the bid solicitation. Bidders shall be
91 notified of the opening and invited to be present.

92 4. The contract will be awarded to the lowest responsive and
93 responsible bidder.

94 a) Where specified in bidding documents, factors such
95 as discounts, transportation cost, and life cycle costs must
96 be considered in determining which bid is lowest.

97 b) Payment discounts will only be used to determine
98 the low bid when prior experience indicates that such
99 discounts are usually taken advantage of.

100 c) Any or all bids may be rejected if there is a sound
101 documented reason.

102 5. The board shall have discretion in determining which
103 bidders are responsible and responsive and shall award the
104 contract to the lowest, responsible, and responsive bidder whose
105 bid meets the bid specifications. This means that the board will
106 select the bid that offers the best value and award a contract
107 based upon the amount of the bid and the bidder's ability and
108 capacity to carry on the work, its equipment and facilities,
109 honesty, integrity, skills, business judgment, experience,

110 equipment, facilities, financial stability, past performance, and
111 other relevant factors.

112 6. The board will generally complete its review of bids and
113 select a vendor within 30 days of bid submission.

114 B. Advertising for Bids.

115 1. The superintendent or designee will arrange to advertise
116 for bids by publishing notice in any newspaper of general
117 circulation within the school district at least 7 calendar days prior
118 to the date on which bids are due.

119 2. Nothing shall prevent the superintendent or designee from
120 advertising in additional media outlets or for a longer period of
121 time.

122 C. Bid Documents

123 1. The bid documents shall identify the day upon which the
124 bids shall be returned, received, or opened and shall identify the
125 hour at which the bids will close or be received or opened.

126 2. The bid documents shall also provide that such bids shall
127 be opened simultaneously in the presence of the bidders or their
128 representatives.

129 3. Bids received after the date and time specified in the bid
130 documents shall be returned to the bidder unopened.

131 4. If bids are being opened on more than one contract, the
132 board, in its discretion, may award each contract as the bids are
133 opened.

134 5. Sealed bids will be opened in a place and at the specific
135 time stated in the bid solicitation. Bidders shall be notified of the
136 opening and invited to be present.

137 6. Bids will be reviewed by the Superintendent and/or
138 designee and submitted to the board for approval.

139 7. The board shall have discretion in determining which
140 bidders are responsible and responsive and shall award the
141 contract to the lowest, responsible, and responsive bidder whose

142 bid meets the bid specifications. This means that the board will
143 select the bid that offers the best value and award a contract
144 based upon the amount of the bid and the bidder's ability and
145 capacity to carry on the work, its equipment and facilities,
146 honesty, integrity, skills, business judgment, experience,
147 equipment, facilities, financial stability, past performance, and
148 other relevant factors.

149 8. The board will generally complete its review of bids and
150 select a vendor within 30 days of bid submission.

151 D. The terms of any construction project undertaken pursuant to this
152 policy will be memorialized in a written contract which has been
153 reviewed by the district's legal counsel and approved by the board.
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157 Adopted on: July 13, 2017
158 Revised on: December 11, 2018
159 Reviewed on: December 11, 2018