

POLICY

SOMERSET COUNTY BOARD OF EDUCATION

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1. **PURPOSE**

The intent of this policy is to establish a bid and purchasing policy for the Somerset County Public School System. This policy does not apply to emergency repairs.

2. **PROCESS**

The Board of Education recognizes and supports the provisions of *The Annotated Code of Maryland*, Section §5-112 of the Education Article which states:

A. General Purchase

- (1) All Somerset County Public School purchases shall be done in accordance with applicable Maryland laws and regulations in effect at the time of purchase. Federal requirements will be followed when purchases are made with Federal funds. Purchasing procedures shall include quotations, requests for bids, requests for proposals, cooperative purchasing agreements, national contracts, piggyback bids, and others that comply with this policy.

B. Advertisement for Bids

- (1) Formal advertised bids shall be obtained for all purchases which exceed the competitive bidding

limit established in the Education Article §5-112 of the Annotated Code of Maryland. The county Board, at least 2 weeks before bids are to be filed, shall advertise for bids in at least one newspaper published in the county and a regional newspaper. This is applicable to supplies and services that are purchased with Federal Funds.

- (2) The Board may name in the specifications and advertisements for bids the particular make, kind, or brand of article to be contracted for or purchased.

C. Minority Business Enterprise Procedures

- (1) The Equal Opportunity Clause as set forth in Section 202 of Executive Order 112456, as amended by Executive Order 11375, and any subsequent amendment thereto, is hereby incorporated by reference in this policy.
- (2) Minority Business Enterprise has the meaning stated in 14-301 of the State Finance & Procurement Article.
- (3) Minority Business Enterprises are encouraged to respond to any solicitation notice.
- (4) With regard to the public school construction programs, bidding procedures shall comply with the rules, regulations, and procedures for the administration of said programs as further provided in Section 15, COMAR 21.11.03 and Board Policy 420-1 related to the same and the participation of minority business enterprises.

D. Award of Contract

- (1) A contract for school facility improvements or other equipment shall be awarded following Board approval to the lowest responsible bidder who conforms to specifications with consideration given to:
 - (a) The quantities involved.
 - (b) The time required for delivery.
 - (c) The purpose for which required.
 - (d) The competency and responsibility of the bidder.
 - (e) The ability of the bidder to perform satisfactory service.
- (2) The Board may reject any and all bids and re-advertise for other bids.
- (3) The Board reserves the right to accept any bid which, in its judgment, best serves the interest of the school system, without regard to the same being the lowest bid.

E. Contract in Violation of Section - A contract entered into or purchase made in violation of this section is void. (An. Code 1957, art. 77, & 123; 1978, ch. 22, & 2; 1980, ch. 720; 1984, ch. 114; 1987, chs. 502, 682; 1988, ch. 6, & 1; 1989, ch. 5, & 1; 1993, ch. 5, & 1; ch. 391; 1994, ch. 4, & 1; ch. 88, & 2; ch. 661, & 2; 1996, ch. 46).

G. Suspended or Debarred Contractors

Prior to Board approval, all contractors being considered for a bid award will either provide certification that they have not been suspended or debarred from doing business with the U.S. Government; OR, Somerset County Public Schools will search the Excluded Parties List (EPLS) to determine eligibility to participate in the transaction.

H. Sole Source Procurement

A sole source (non-competitive) procurement is permissible if it has been determined that there is only one source practically available for the required product or service. Documentation from the requesting department must be submitted to the Superintendent, or their designee, justifying the rationale used in determining “sole source”, as well as the determination that the awarded price is “fair and reasonable”. Awarding of sole source contracts must be approved by the Superintendent.

I. Document Retention

All documents related to the Bidding and Purchasing referred to in this policy must be kept on file for a minimum of 5 years after all related audits have been completed.

Annotated Code of Maryland
§5-112