

MSAD 52 Bidding/Purchasing Requirement

The MSAD 52 Board of Directors expects all purchases made by MSAD 52 to be consistent with applicable laws and sound business practices. The Superintendent shall be responsible for developing and implementing administrative procedures for bidding and purchasing consistent with this policy.

This policy is intended solely as an internal guide for purchasing by MSAD 52. It does not afford any vendor any property or contractual rights against MSAD 52. No vendor shall have any enforceable rights against MSAD 52 based upon this policy or alleged violations of this policy. No vendor shall have any rights against MSAD 52 until such time as a written contract between the vendor and MSAD 52 is executed by the vendor and an authorized representative of MSAD 52.

A. Bidding Required by Law

Maine law requires the Board to competitively bid property and casualty insurance; school bus and transportation contracts in excess of \$4,000; school building construction, alterations and repairs over \$100,000; bond anticipation notes for state-subsidized school construction projects; and lease purchase financing of buildings whose lease purchase costs qualify for state subsidy.

B. Competitive Bidding of Other Purchases

Where bidding is not required by law, the Superintendent, Business Manager or Designee shall determine whether to request a quote, bid or RFP when it is in the best interest of, and most cost effective for, MSAD 52.

C. Procedures for Bidding and Requesting Proposals

The method of notification that MSAD 52 uses to solicit bids and proposals shall be reasonably designed to attract qualified vendors. Depending upon the circumstances, such notification may include public advertising and/or mailing of notices to potential vendors.

Bid Procedures

- A. The notification shall specify the deadline for submitting bids and the time and place of bid opening. Bid alternates shall be permitted at the discretion of the Superintendent. The notice shall reserve the right of MSAD 52 to reject any or all bids, and to waive technical or immaterial nonconformities in bids if in the best interest of MSAD 52, and to exercise judgment in evaluating bids.

- B. Written bids. Bids shall be in writing, sealed with outside envelope or wrapper plainly marked "Bid, not to be opened until (insert appropriate date)," and mailed or filed with the Superintendent of MSAD 52.
- C. Time of opening. A Board member or employee of MSAD 52 may not open a bid until the appointed time.
- D. Public opening. At the time and place stated in the public notice, and open to the public, all bids shall be opened by the Superintendent or, in the Superintendent's absence or disability, by any Board member designated for the purpose by the Chair of the Board.
- E. Reading. If any citizens who are not Board members or employees of MSAD 52 or if any representatives of the press are present, bids shall, at that time, either be made available for examination by them or shall be read aloud in a manner to be heard plainly by those in attendance.
- F. In general, the Board will award contracts to the lowest bidder that the Superintendent and Board deem can satisfactorily fulfill the contract.

RFP Procedures

- A. The RFP will include the date and time for submission. Proposals should be submitted in plain envelopes clearly marked "Proposal, not to be opened until (state time and date)." Public opening is not required.
- B. Proposals are to be evaluated based on criteria appropriate for the project in question. The contract will be awarded to the vendor whom the Superintendent and Board deem best able to meet the requirements of MSAD 52.

Procurement Methods for Federally Funded Projects

The Superintendent or his or her designee shall be responsible for developing, updating as necessary, and implementing a written administrative procedures manual (hereafter, the "Federal Procurement Manual") to govern the procurement and purchase of property, goods, and services using any federal award that is subject to the Uniform Grant Guidance, codified at 2 CFR Part 200 ("UGG Federal Award"). The Federal Procurement Manual shall be consistent with all applicable federal laws and rules.

Notwithstanding any policy provision to the contrary, the procurement and purchase of property, goods, and services using a UGG Federal Award, in whole or in part, must comply with the Federal Procurement Manual. Wherever this policy or any of MSAD 52's administrative procedures are inconsistent with federal laws or rules, the provisions of the federal laws or rules shall control.

Legal Reference: 5 MRSA § 1743-A
20-A MRSA §§ 1001(14), 5401(13)(D); 5402
20-A MRSA § 1314

30-A MRSA § 6006-E
Maine State Board of Education Rules for Major Capital School
Construction Projects (Chapter 61, § 11(5))
Maine Department of Education and Maine Municipal Bond Bank
Rules for Maine School Facilities Program and School
Revolving Renovation Fund Program (Chapter 64, § 6)

34 CFR Parts 74 and 80 (Education Department General Administrative
Regulations (“EDGAR”)) (for federal awards made prior to 12/26/2014)

2 CFR Part 200 (Uniform Administrative Requirements) (for federal
awards made on or after 12/26/2014)

Cross Reference: DJH – Purchasing and Contracting: Procurement Staff Code of Conduct
DJ-R – Federal Procurement Manual

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