Whiteford Agricultural Schools

PURCHASING

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6320 - **PURCHASING**

Procurement of all supplies, materials, equipment, and services paid for from District funds shall be made in accordance with all applicable federal and state statutes, Board policies, and administrative procedures. Standards of conduct covering conflicts of interest and governing the actions of its employees engaged in the selection, award and administration of contracts are established in Policy 1130, Policy 3110, and Policy 4110 – Conflict of Interest.

All procurement transactions shall be conducted in a manner that encourages full and open competition and in accordance with good administrative practice and sound business judgment.

Each year, the State of Michigan informs the District of the legal amount for purchases which require a formal bidding process of a single item.

It is the policy of the Board that the Superintendent adheres to the following:

A. Seek informal price quotations on purchases that are less than $5000, except in cases of emergency or when the materials purchased are of such a nature that price negotiations would not result in a savings to the School.

B. When the purchase of, and contract for, single items of supplies, materials or equipment is less than the amount allowed by state statute, but exceeds $5001, the Superintendent shall, whenever possible, have at least three (3) competitive bids.

Purchases in a single transaction that are in excess of the dollar amount permitted by state statute shall require competitive bids and, whenever possible, have at least three (3) such bids for substantiation of purchase and shall require approval of the Board prior to purchase.

Competitive Bids

Michigan's Revised School Code (M.C.L. 380.623a, 380.1267, and 380.1274) establishes a base above which competitive bids must be obtained for school construction projects (including renovation, repair, or remodeling) and procurement of supplies, materials, and equipment. This requirement does not apply to buildings, renovations, or

repairs costing less than the amount specified in Michigan's Revised School Code.

When sealed bids are used, the following requirements apply:

A. Bids shall be solicited in accordance with the provisions of State law and this policy. Bids shall be solicited from an adequate number of qualified suppliers, providing sufficient response time prior to the date set for the opening of bids. The invitation to bid shall be publicly advertised.

B. The invitation for bids must define the items or services with specific information, including any required specifications, for the bidder to properly respond.

C. All bids will be opened at the time and place prescribed in the invitation for bids; bids will be opened publicly.

D. A firm, fixed-price contract is awarded in writing to the lowest responsive bid and responsible bidder. When specified in the invitation for bids, factors such as discounts, transportation costs, and life cycle costs shall be considered in determining which bid is lowest. Payment discounts must only be used to determine the low bid when the District determines they are a valid factor based on prior experience.

E. The Board reserves the right to reject any or all bids, but must document and provide a justification for all bids it rejects for sound documented reason.

Competitive bids are not required for items purchased through the cooperative bulk purchasing program operated by the Michigan Department of Management and Budget pursuant to M.C.L. 18.1263.

Competitive bids are not required for food purchases unless food purchased in a single transaction costs $100,000 or more.

Bids shall be sealed and shall be opened by the Superintendent in the presence of at least one (1) witness. All orders or contracts should be awarded to the lowest responsible bidder; however, consideration can be given to:

A. the quality of the item(s) to be supplied;

B. its conformity with specifications;

C. suitability to the requirements of the school;

D. delivery terms;

E. past performance of vendor.

In addition to the factors above, the Board may consider and provide a preference to bidders:

A. which use a Michigan-based businesses as the primary contractor.

B. which use one (1) or more Michigan-based businesses as subcontractors.

For purposes of this preference, a Michigan-based business means a business that would qualify for Michigan preference for procurement contracts under M.C.L. 18.1268, which requires that the business certifies that, since inception or during the last twelve (12) months, it has done one (1) of the following:

A. filed a Michigan business tax return showing an allocation of income tax base to Michigan

B. filed a Michigan income tax return showing income generated in or attributed to Michigan

C. withheld Michigan income tax from compensation paid to the bidder's owners and remitted the tax to the Michigan Department of Treasury

This preference shall not apply to any procurement or project using federal funds, nor shall it be used if it would violate any federal law or requirements.

The Board reserves the right to reject any and all bids.

Contracts may be awarded by the Superintendent without Board approval for any single item or group of identical items costing less than $5,000. All other contracts require Board approval prior to purchase.

Bid Protest

A bidder who wishes to file a bid protest must file such notice and follow procedures prescribed by the Request For Proposals (RFP) or the individual bid specifications package for resolution. Bid protests must be filed in writing with the Office of the Superintendent within seventy-two (72) hours of the opening of the bids in protest.

Within five (5) days of receipt of a protest, the Superintendent shall review the protest as submitted and render a decision regarding the merits of the protest and any impact on the acceptance and rejection of bids submitted. Notice of the filing of a bid protest shall be communicated to the Board and shall be so noted in any subsequent recommendation for the acceptance of bids and awarding of contracts.

Failure to file a notice of intent to protest, or failure to file a formal written protest within the time prescribed, shall constitute a waiver of proceedings.

General Provisions

The Superintendent is authorized to purchase all items within budget allocations.

The Superintendent is authorized to make emergency purchases, without prior approval, of those goods and/or services needed to keep the District in operation. Such purchases shall be brought to the Board's attention at the next regular meeting.

In order to promote efficiency and economy in the operation of the District, the Board requires that the Superintendent periodically estimate requirements for standard items or classes of items and make quantity purchases on a bid basis to procure the lowest cost consistent with good quality.

Whenever storage facilities or other conditions make it impractical to receive total delivery at any one time, the total quantity to be shipped, but with staggered delivery dates shall be made a part of the bid specifications.

Before placing a purchase order, the Superintendent shall check as to whether the proposed purchase is subject to bid, whether sufficient funds exist in the budget, and whether the material might be available elsewhere in the District. All purchase orders shall be numbered consecutively.

In the interests of economy, fairness, and efficiency in its business dealings, the Board requires that:

A. opportunity be provided to as many responsible suppliers as possible to do business with the District;

B. a prompt and courteous reception, insofar as conditions permit, be given to all who call on legitimate business matters;

C. where the requisitioner has recommended a supplier, the Superintendent may make alternate suggestions to the requisitioner if, in the Superintendent's judgment, better service, delivery, economy or utility can be achieved by changing the proposed order;

D. upon the placement of a purchase order, the Superintendent shall commit the expenditure against a specific line item to guard against the creation of liabilities in excess of appropriations.

The Superintendent shall determine the amount of purchase which shall be allowed without a properly-signed purchase order. Employees may be held personally responsible for anything purchased without a properly-signed purchase order or authorization.

The Board may acquire office equipment as defined in law by lease, by installment payments, by entering into lease-purchase agreements or by lease with an option to purchase, provided the contract sets forth the terms of such a purchase.

Procurement – Federal Grants

The Superintendent shall maintain a procurement and contract administration system in accordance with the USDOE requirements (34 CFR 80.36) for the administration and management of Federal grants and Federally funded programs. The District shall maintain a compliance system that requires contractors to perform in accordance with the terms, conditions, and specifications of their contracts or purchase orders. Except as otherwise noted, procurement transactions shall conform to the provisions of this policy and administrative guidelines (AG 6320).

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Legal
M.C.L. 380.1267, 380.1274 et seq.