

BIDDING/PURCHASING REQUIREMENTS

The School Board expects all purchases made by the school unit 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 to purchasing by the District. It does not afford any vendor any property or contractual rights against the District. No vendor shall have any enforceable rights against the District based upon this policy or alleged violations of this policy. No vendor shall have any rights against the school unit until such time as a written contract between the vendor and the District is executed by the vendor and an authorized representative of the District.

The Superintendent has the responsibility of developing appropriate procedures under this policy.

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; and bond anticipation notes for state-subsidized school construction projects.

B. Competitive Bidding of Other Purchases

Where bidding is not required by law, it shall be the policy of the District to competitively bid purchases of equipment, supplies, materials or services over \$5,000 provided that it is practical and cost-effective to specify the materials or services with sufficient particularity to allow meaningful comparison of bids.

If competitive bidding is not utilized, the Superintendent may seek Requests for Proposals (RFP) for purchases over \$2,500. An RFP identifies the need the District intends to meet, but permits the vendor to propose the manner in which the work is to be performed and the materials to be used.

The Superintendent may forego the competitive bid or RFP process only when he/she determines that quality, expertise, time factors, or other important considerations outweigh the possible benefits of bidding or requesting proposals. In each such case, the Board shall be informed of the Superintendent's decision and the reasons for it in advance of entering into a contract.

C. Procurement Methods for Federally Funded Projects

The Superintendent of 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 award¹ that is subject to the Uniform Grant Guidance, codified at 2CFR 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 UGG Federal Award, in whole or part, must comply with the Federal Procurement Manual. Wherever this policy or any of the district’s administrative procedures are inconsistent with federal laws or rules, the provisions of the federal laws and rules shall control.

¹A “federal award” is any federal financial assistance (including cost-reimbursement contracts) that a school unit receives either directly from a federal agency or indirectly from a pass – through entity such as the state department of education. See 2CFR §200.38. Most, but not all, federal awards received by a district are subject to the Uniform Guidance. To confirm whether a federal award is subject to Uniform Grant Guidance, review the terms and conditions of the applicable grant agreement or cooperative agreement and the applicability provisions of the Uniform Grant Guidance, codified at 2 CFR §200.101

Legal reference: 5 MRSA § 1743-A (ALL)
20-A MRSA §§ 1001.14, 5401.13D, 5402 (ALL)
20-A MRSA § 1314 (MSAD)
§ 13 c (Maine State Board of Education Rules for School Construction Projects) (ALL)
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: DJB-R1 - Purchasing Procedures
DB –R2 - Federal Procurement Manual
DJH – Purchasing and Contracting: Procurement Staff Code of Conduct

Adopted: March 16, 1999
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