



Book	Administrative Regulations
Section	3000 BUSINESS & INSTRUCTION SUPPORT OPERATIONS
Title	Bids
Code	AR 3311
Status	Active
Last Revised	October 2, 2014
Last Reviewed	May 6, 2019

Except as otherwise defined in this regulation, every purchase with an estimated cost of \$15,000 or more shall be awarded by formal written contract or purchase order to the lowest responsible bidder, upon terms and conditions prescribed in this policy and described in the bid document whenever the District has power to:

1. Reject defective or non-responsive bids,
2. Reject all bids,
3. Rebid the purchase after making substantial changes in the bid list to bring estimated cost within the limit of funds available.

#### Bidder's List

The Superintendent shall develop and maintain a bidder list of responsible prospective contractors who ordinarily perform work or materials, or render service similar in character to that contemplated by the District. Invitation notifications to submit sealed bids in the form of a proposed contract shall be emailed to a minimum of three (3) listed contractors or whenever work, materials or services provided by them responds to District needs. Failure of any listed contractor to receive a bid invitation does not invalidate the bidding procedure.

#### Changes and Addenda

No District employee or agent, as stated in the bid document, shall make any oral change in the bid documents or make any oral interpretation that may affect the substance of the bid document. Addenda shall be issued when questions arise that might affect bids.

When required, addenda shall be issued in the following manner:

1. Any addenda issued will be posted to the webpage. Prospective bidders will be responsible for checking the webpage for additional information and addenda.
2. An addendum issued less than four (4) working days before the deadline for receipt of bids shall include a new bid date at least four (4) working days after the original time of receipt of the addendum by the prospective bidder.
3. When addenda have been issued, receipt shall be acknowledged as part of the bid transmitted.

#### Pre-Bid Conference

The purchasing officer, at his/her discretion may conduct a pre-bid conference at least seven (7) days prior to the deadline for bid submissions. All clarifications and questions answered at the conference that may affect the bid must be issued in the form of an addendum.

#### Nondiscrimination

All bidders are required to certify, as condition of potential bid award, that they will not discriminate against any employee or applicant for employment because of race, color, religion, national origin, ancestry, age or sex. They shall take affirmative action to insure that employees, applicants for employment or apprentices are employed, upgraded, demoted, transferred, recruited, laid off or terminated, paid or otherwise compensated, selected for training or trained in compliance with this requirement. A notice to this effect shall be posted in conspicuous places available to employees or applicants for employment.

#### Bid Opening Procedures

1. SUBMITTING – Sealed bids shall be submitted personally or by mail to the Superintendent or designee in accordance with the bid invitations and identified as bids on the envelope.
2. OPENING – Bids shall be opened in public at the time and place stated immediately after the closing time. Submission time should be in the afternoon of a normal business day that does not immediately follow Sunday or any postal holiday.
3. LATE BIDS OR POST DATE – All bids become qualified by receipt of envelopes at or before the specified bid opening time. Bids not received by the District prior to or at the specified time of submission will be marked with the date and hour of receipt on the envelope and returned unopened to the sender.
4. TABULATION – Tabulations are posted to the District website.

#### Bid Rejection

The District shall have the authority to reject any and all bids.

#### Waiver of Irregularities

The District shall have the authority to waive any and all irregularities on any and all bids except that timeliness and manual signature requirement shall not be waived.

#### Bid Award

A bid shall be awarded to the lowest responsible bidder. In addition to price, determination of the lowest responsible bidder shall consider:

1. Bidder ability, capacity, and skill to perform as required in bid specifications,
2. Bidder ability to perform within the time specified without delay or interference,
3. Bidder character, integrity, reputation, judgment, experience and efficiency of the bidder,
4. Quality of bidder performance of previous awards,
5. Previous and existing bidder compliance with laws and regulations relating to the bid,
6. Bidder financial resources that affect performance ability,
7. Number and scope of conditions attached to the bid,
8. Available replacements, replacement parts, maintenance service or anticipated costs of these items for any machinery, equipment or other material proposed to be installed or supplied by the bidder.

#### Bid Appeal

Appeal to Superintendent.

Any party bidding or submitting a proposal for a contract or purchase order with the School District for \$25,000 or greater may appeal to the Superintendent in writing, personally received at the School District office, within three (3) business days of the date of notice of intent to award a contract. The appeal may be hand delivered, delivered by mail, or by facsimile and must comply with the requirements of this section.

Contents of appeal.

A written appeal shall, at a minimum, contain the following:

1. The name, address, and telephone number of the interested party filing the appeal;
2. The signature of the interested party or the interested party's authorized representative;
3. Identification of the proposed award at issue;

4. A statement of the legal or factual grounds for the appeal;
5. Copies of all relevant documents; and
6. A fee of \$300.00 shall be paid to the School District and must be received by the deadline for filing the written appeal. This fee shall be refundable if the appellant prevails in the appeal to the Superintendent.

#### Rejection of appeal.

The purchasing officer shall reject an untimely or incomplete appeal or an appeal filed without timely payment of the required fee.

#### Stay of award.

If a timely and complete appeal is filed with the fee, the award of a contract or purchase order shall be stayed until all administrative remedies have been exhausted, unless the Superintendent determines in writing that award of the contract or purchase order pending resolution of the appeal is in the best interests of the School District.

#### Notice and response.

Notice of the stay and appeal shall be delivered to any party who may be adversely affected by the Superintendent's decision by facsimile, first class mail or in person within three (3) business days of receipt of a properly filed appeal.

#### Superintendent's decision.

The Superintendent shall issue a written decision to the appellant within ten (10) business days of the date that the appeal is filed. If multiple appeals have been filed, they may be consolidated for purposes of the decision. Copies of the appeal and decision shall be provided as requested.

#### Local Preference Conditions

KPBSD intends to give preference to local residents, businesses, contractors, producers and dealers to the extent consistent with the law and best interest of the public.

The District purchasing office shall purchase from the lowest qualified, responsive, and responsible bidder or business. When bids or quotes are within 5% of being equal, preference may be given to local businesses who operate within the Kenai Peninsula Borough if it is determined by the Superintendent to be in the best interest of the District. For the purpose of this policy, a local business is defined as: any business or company having a physical presence in the Borough, registered in the Borough to collect sales tax, and locally provides the products and services sought. The 5% policy may be applied to all purchases up to \$25,000.00.

This policy will not apply where the provisions of an applicable statute, regulation, or grant prohibit local bidder preference.

#### Subdivision Prohibited

No project or bid specifications shall be subdivided to avoid the requirements of this policy, but this provision does not preclude use of alternate deductible items.