



Book	Policy Manual
Section	3000 BUSINESS & INSTRUCTION SUPPORT OPERATIONS
Title	Bids
Code	BP 3311
Status	First Reading
Cross References	<a href="#">BB 9270 - Conflict of Interest</a> <a href="#">AR 3311 - Bids</a>
Last Revised	September 10, 2018
Last Reviewed	May 6, 2019

The District shall purchase equipment, supplies and services on a competitive bidding basis when required by law and whenever it appears to be in the best interest of the District to do so. Purchases with an aggregate estimated cost of \$50,000 or more shall be formally bid. Award or rejection of bids shall be managed by the Superintendent. The following items may not be subject to formal bid procedures:

1. Proprietary (sole-source) items or services. Items that are only available from a single source, public emergency, authorized by Federal Government or competition is deemed inadequate,
2. Supplies or equipment needed in emergencies,
3. Goods or services provided under contract or from federal, state or local government contracts.
4. Textbooks/Curriculum that is selected by the curriculum committee.

Micro Purchases – up to \$15,000 may be awarded without competitive quotations if the entity considers price to be reasonable. To the extent practicable, the non-federal entity must distribute micro-purchases equitably among qualified suppliers.

Small Purchases of \$15,000 or more but less than \$49,999 require an informal quote procedures that include price or rate quotes from a minimum of three (3) vendors whenever possible. Awards will be made by the purchasing office subject to final approval by the Superintendent.

Sealed Bids (formal advertising), Every purchase with an estimated cost of \$50,000 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 (AR 3311 Bids) and described in the bid document.

To ensure that good value is received for funds expended, specifications shall be carefully designed and shall describe in detail the quality, delivery and service required.

#### **E-Rate Purchases**

Purchases made pursuant to the E-Rate program, which is governed by the Federal Communications Commission, shall be made on a competitive basis subject to the provisions of this paragraph. Such purchases are not subject to any provisions in the school district purchasing policies or regulations that may be inconsistent with the E-Rate purchasing provisions.

The Superintendent or designee oversees the E-Rate application process in order to ensure that it is accurate and that the equipment and services to be purchased are eligible for E-Rate funding. Said individual shall devise an open, fair, competitive bidding process, separate and apart from other District procurement policies, that meets all rules of the E-Rate program. This process shall be overseen by, and subject to the approval of, the Superintendent for the District.

## **Contractor's Violations of Tax Ordinances**

No contract or purchase order shall be awarded to any individual or business who is found to be in violation of the Kenai Peninsula Borough Code of Ordinances in the several areas of taxation which is not remedied within ten (10) days of notice.

Any contract can be terminated for cause if it is determined that the contractor is in violation of any taxation ordinance and if such violation is not remedied within ten (10) days of notification by regular mail. If the delinquency arises due to non-filing of sales tax, no payment will be made to the contractor until all filings have been made and all amounts due are remitted.

The District will remit any amounts owed by its contractor(s) to the Kenai Peninsula Borough for delinquent Borough taxes against any amount owing to the contractor(s) under a contract between the District and the contractor(s).

### *Legal Reference:*

#### *ALASKA STATUTES*

*14.14.060 Relationship between borough school district and borough*

*14.14.060 (h) Procurement of supplies and equipment*

*14.14.065 Relationship between city school district and city*

*14.03.085 Procurement preference for recycled Alaska products*

*29.71.050 Procurement preferences for recycled Alaska products*

*35.15 Construction Procedures*

*36.15.020 Use of local agricultural and fisheries products required in purchases with state money*

#### *ALASKA ADMINISTRATIVE CODE*

*4 AAC 27.085 Competitive pupil transportation proposals*

*4 AAC 31.080 Construction and acquisition of public school facilities*

*FAIRBANKS NORTH STAR BOROUGH SCHOOL DISTRICT v. BOWERS, 851 P.2d 56 (AK 19*