

NORTH PROVIDENCE SCHOOL DEPARTMENT PROCUREMENT POLICY	Approved: 1/24/07

Policy

The North Providence School Department will adhere to the State of Rhode Island Procurement Regulations (Chapter 37-2) for competitive procurement involving purchasing activities and practices.

Purpose

- I. All procurements of goods and services having a value in excess of \$5,000 and \$10,000 for construction shall be made only in accordance with the following procedures:
 - A. Competitive sealed bidding with an invitation to bid published in a newspaper of general circulation in the state for not less than seven (7) days but not more than twenty-one (21) days before the date set for the opening of the bids.

Invitation for bids shall state whether award will be made on the basis of lowest qualified bid price or lowest qualified evaluated bid price. If the latter basis is used the objective criteria to be utilized shall be set forth in the invitation if available.

Bids shall be opened publicly in full view of the public at the time and place designated in the invitation for bids. An abstract with name of the bidder and amount of the bid shall be available for public inspection.

The award shall be made with reasonable promptness in writing after a review of each bid by the Finance Director or Superintendent and designated agent, to be followed by recommendation to the School Committee, to include, but not limited to, the following review items:

- (1.) Past practices of the bidding company as observed by or reported to the Superintendent or his/her designee;
- (2.) Reputation of the bidding company among the school departments or municipalities presently using its goods and services;
- (3.) Physical location of the bidding company, with emphasis on prompt services and availability;
- (4.) Successful completion of an interview;
- (5.) Demonstrated cooperative attitude;
- (6.) Demonstrated flexibility in the event of unusual or unforeseen conditions;

Local vendors shall be given preference based upon the best interest of the School Department, availability of service and encouragement of local business relationship. The superior quality of the item in light of the difference in cost.

The recommendation of the Finance Director or Superintendent and designated agent shall be the vendor best able to meet the above standards at a fair and reasonable price. It should be specifically understood that this policy does not bind the School Committee, Superintendent, Finance Director, their agents or servants to accept the low bid or any of the bids submitted if in the opinion of the School Committee, any or all fail to meet the needs of the North Providence School Department.

When bids involve more than one item, the selection may be made on an item-by-item basis, according to the bidder or bidders' best meeting the needs of the North Providence School Department.

- B. Competitive negotiations with request for proposals published in a newspaper of general circulation in the state for not less than seven (7) days but not more than twenty-one (21) days before the date set for the

opening of the proposals.

Written or oral discussions shall be conducted with all responsible offerors who submit proposals determined to be reasonably susceptible of being selected for award. Discussions shall not disclose any information derived from proposals submitted by competing offerors. Discussions need not be conducted:

- (1.) With respect to prices, where such prices are fixed by law or regulation, except that consideration shall be given to competitive terms and conditions; or
- (2.) Where time of delivery or performance will not permit discussions; or
- (3.) Where it can be clearly demonstrated and documented from the existence of adequate competition or accurate prior cost experience with the particular supply, service, or construction items, that acceptance of an initial offer without discussion would result in fair and reasonable prices, and the request for proposals notifies all offerors of the possibility that award may be made on the basis of initial offers.

Contracts may be competitively negotiated when it is determined by the Finance Director or Superintendent and designee that the bid prices received by competitive sealed bidding either are unreasonable as to all or part of the requirements, or were not independently reached in open competition, and for which;

- (1.) Each competitive bidder has been notified of the intention to negotiate and is given reasonable opportunity to negotiate;
- (2.) The negotiated price is lower than the lowest rejected bid by any competitive bidder;
- (3.) The negotiated price is the lowest negotiated price offered by a competitive offeror.

The request for proposals shall indicate the relative importance of price and other evaluation factors.

Award shall be made to the responsible offeror whose proposal is determined to be the most advantageous to the North Providence School Department taking into consideration price and the evaluation factors set forth in the request for proposals.

- C. All invitations to submit bids or proposals shall require sealed bids or proposals with outer envelope appropriately marked.

The invitations used as a basis for bidding or submitting a proposal on any procurement will provide that the School Committee reserves the right to reject any or all bids, to include the lowest, deemed by it not to be in the best interests of the North Providence School Department.

The closing time and date of submission of bids and proposals will be clearly stated in the invitation, and will be rigidly observed. The date and time of receipt of any bid or proposal will be marked on the outer envelope in the Office of the Superintendent.

Certificates of adequate public liability, property damage and worker's compensation insurance that will protect the contractor, his subcontractors, the School Committee and the North Providence School Department and their agents from claims for personal injury, including accidental death, as well as from claims for property damages which may arise from operations under the contract, will be required of the successful bidder before the beginning of any work.

Performance bonds, when required, shall be of the amount and type required by the School Committee State laws (particularly Title 37 and Title 45 Chapter 55) and local ordinances shall be complied with.

A bid bond or certified check guaranteeing that the successful bid shall not be withdrawn for a designated period, if requested by the School Committee, shall accompany all bids submitted.

Publication of bids will not be made before the report of the Superintendent to the School Committee.

D. In the event that all bids submitted pursuant to competitive sealed bidding result in bid prices in excess of the funds available for the purchase, and **it** is determined that:

- (1.) That there are no additional funds available from any source to permit an award to the lowest responsive bidder;
- (2.) The best interest of the North Providence School Department will not permit the delay attendant to a re-solicitation under revised specifications, or for revised quantities, under competitive sealed bidding a negotiated award may be made.

When there is more than one bidder, competitive negotiations shall be conducted with the three (3) (two (2) if there are only two (2)) bidders determined to be the lowest responsive and responsible bidders to the competitive sealed bid invitation with approval of the School Committee. Such competitive negotiations shall be conducted under the following:

- (1.) If discussions pertaining to the revisions of the specifications or quantities are held with any potential offeror, all other potential offerors shall be afforded an opportunity to take part in such discussions; and
- (2.) A request for proposals, based upon revised specifications or quantities, shall be issued as promptly as possible, shall provide for an expeditious response to the revised requirements, and shall be awarded upon the basis of the lowest bid price, or lowest evaluated bid price submitted by any responsive and responsible offeror.

When after competitive sealed bidding, **it** is determined in writing that there is only one responsive and responsible bidder, a noncompetitive negotiated award may be made with such bidder.

II. This procurement policy may be waived by the School Committee if:

- A. The procurement involves a specialized item, books, reading or testing materials or maintenance contracts covering specific units or group or equipment; or
- B. Emergency repairs where the health, safety, welfare of employees and/or students are threatened or where loss of value of property would be imminent; or
- C. Purchase of commodities or services, the price of which is fixed by a public authority authorized by law to fix rates on prices, or purchases made from state bid awards, municipal contracts or state contracts, issued by the R.I. Department of Administration, Division of Purchases; also from similar sources if awarded by another state or local municipality under a competitive bid policy; or
- D. Contract is for services of an Attorney, Physician or Dentist; or
- E. When there is only one known supplier, or the supplier is the Town of North Providence; or
- F. Any item, that in the opinion of the School Committee could not be competitively bid (used vehicles, surplus materials purchased from federal, state, or local governments, and so forth).

Regarding these procurements, the policy of the School Committee shall be that the Finance Director or Superintendent and designated agent shall seek such oral quotes as deemed reasonable with such competition as is practicable under the circumstances.

- G. When the Construction Manager at Risk project delivery method is used and subject to the terms of their contract the Construction Manager shall determine how the project is to be procured; and manage and execute the bidding and award process for all subcontractors, vendors and suppliers required to execute the Work. The bidding and award process shall be fully transparent to the School District through the notification to and involvement of (as their time permits) the Superintendent or Finance Director related to the following:

1. Determination of the number and general scopes of work for each Bid Package to be issued.
2. Review and approval of proposed Bidders lists.
3. Provide access to all Bid Packages.
4. Notice of all Pre-Bid Conferences and attendance.
5. Notice of all Scope Review Meetings and attendance.
6. Review and Approve "Recommendations to Award" of all contracts with a value greater than \$10,000.00 that relate to the furnishing and/or installation of materials and equipment for construction.

The Construction Manager shall be responsible for the Pre-Qualification of prospective bidders in accordance with the Construction Managers requirements.

The Construction Manager may use electronic bidding and contract execution methods provided they are secure, auditable and accessible by the School District.

The Construction Manager may negotiate best and final proposals from the apparent most responsive bidders that participate in Scope Review meetings.

The Construction Manager may develop and negotiate Alternates within Bid Packages related to the scope of work that may affect cost and / or schedule for the School Districts consideration.

- III. Small purchases that do not exceed an aggregate amount of \$10,000 for construction and \$5,000 for all other goods and services shall be made in accordance with the following procedures:
 - A. For goods and services between \$500 and \$1,000 the Finance Director or Superintendent and designee shall receive three (3) oral quotes;
 - B. For goods and services, between \$1,001 and \$4,999 the Finance Director or Superintendent and designee shall receive three (3) written quotes;
 - C. For construction procurements between \$2,500 and \$5,000 the Finance Director or Superintendent and designee shall receive three (3) oral quotes;
 - D. For construction procurements between \$5,001 and \$9,999 the Finance Director or Superintendent and designee shall receive three (3) written quotes.

- IV. The School Committee, without invalidating the bid, proposal or contract may make changes in the specifications, delivery point, rate of delivery, contract period, price, quantity or other contract provisions of any existing contract, whether accomplished by unilateral action in accordance with a contract provision, or by mutual action of the parties to the contract, including bilateral actions, such as supplemental agreements, and unilateral actions, such as

change orders, administrative changes, notices of termination, and notices of the exercise of a contract option, provided said changes are ordered in writing.

- V. Bid requests should be sent to all vendors placed on an invitational bid list established by the North Providence School Department. This list shall include vendors who respond to public notice of the bid, and others selected by the administration.
- VI. Definitions of terms contained herein shall be as those defined in Rhode Island General Law Title 45 Chapter 55 Section 4.
- VII. Unless otherwise provided by law, the North Providence School Department procurement policy shall comply with the provision of Rhode Island General Law Title 45 Chapter 55.

Approved: 1/24/2007

Reviewed by Administration: 2/1/2022